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[PROVINCIAL NOTICE NO. 37 OF 2019]

**MANGAUNG METROPOLITAN MUNICIPALITY**

**PROMULGATION NOTICE**

**Parking By-law**

Passed by Council on Tuesday, 05 March 2019  
Under Item 18.1 – 5/03/2019

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the revised set of Parking By-laws, at the sitting dated 05 March 2019.
- 2) The reviewed Parking By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

**Adv. Tankiso Mea**  
**City Manager**

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**BY-LAWS RELATING TO PARKING**

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## CHAPTER 1 INTERPRETATION

### 1. Definitions

1.1 In this By-law, unless the context otherwise indicates –

“**animal**” means any equine, bovine, sheep, goat, poultry, camel, dog, cat, or other domestic animal or bird, or any wild animal, or reptile which is in captivity or under the control of a person, or insects, such as, but not limited to, bees which are kept or are under the control of a person;

“**authorised officer**” means an inspector of licences, examiner of vehicles, examiner for driving licences, traffic warden or a traffic officer, and includes any other person appointed as an inspector of licences, examiner of vehicles, examiner for driving licences, traffic warden or a traffic officer in terms of section 3A of the National Road Traffic Act, 1996(Act No. 93 of 1996), and includes any person nominated by any organization and authorised by the Municipality;

“**authorised official**” means any employee of the Municipality who is responsible for the performance of any function or the exercise of any power in terms of this by-law or any employee of the Municipality assigned or delegated to perform any function or exercise any power in the implementation of this by-law;

“**bridge**” means a bridge, as contemplated in the National Road Traffic Act, 1996 (Act 93 of 1996);

“**bus**” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry more than 34 persons, including the driver, and includes a bus train;

“**bus stop**” means a demarcated place or stand where passengers may board or alight from a bus, and which is distinguished by the appropriate traffic sign to indicate the type of bus or, where applicable, the name of the concern entitled to use the bus stop;

“**bus train**” means a bus which—

- (a) consists of two sections that connect to form a unit;
- (b) can swivel in a horizontal plane at the connections between such sections;
- (c) is designed or adapted solely or principally for the conveyance of the driver and at least 100 other persons; and
- (d) has a continuous passageway over its length;

“**caravan**” means any vehicle permanently fitted out for use by persons for living and sleeping purposes, whether or not such vehicle is a trailer;

“**Chief Traffic Officer**” means the Chief Traffic Officer of the Municipality to whom any function, power or duty has been delegated, and includes any other officer under his or her control;

“**Municipality**” means the Mangaung Metropolitan Municipality established in terms of the Municipal Structures Act 117 of 1998 and includes any political structure, political office bearer, duly authorised agent thereof or any employee acting in terms of delegated or sub-delegated authority;

“**city card**” means any document or card, irrespective of the form thereof, issued by the City in order to be used as a method of payment for parking;

“**combined parking meter**” means an appliance in which more than one parking meter is contained;

“**coupon**” means a device, whether electronic or not, which either by itself or in connection with any other thing entitles or purports to entitle the holder thereof to park any vehicle in a parking bay or parking ground, and includes any device approved by the City from time to time;

“**dealer**” means a person who, for gain, carries on the business of selling, buying, exchanging or garaging vehicles;

“**dedicated busway**” means a roadway for the exclusive use of buses and other authorised vehicles, which may be a separate facility in its own right-of-way, part of the surfaced width of a road used by general traffic and separated from general lanes by a painted line, or part of the surfaced width of a road used by general traffic and separated from general traffic by a barrier kerb or any other such physical separation;

“**driver**” means any person who drives or attempts to drive any vehicle or who rides or attempts to ride any pedal cycle and “**drive**” or any like word has a corresponding meaning;

“**event**” means—

- (a) any sporting, recreational or entertainment event, including live acts;
- (b) any educational, cultural or religious event;
- (c) any business event, including marketing, public relations and promotional or exhibition events;
- (d) any charitable event, including any conference, organizational or community event,

or any similar activity hosted at a stadium, venue or along a route or its precinct that is planned, has a clear programme, control and accountability, but excludes an event hosted by a private person in his or her private capacity at any venue, or filming staged in terms of the by-law relating to Filming;

“**examiner of vehicles**” means an ‘examiner of vehicles’ as defined in section 1 of the National Road Traffic Act, 1996 (Act 93 of 1996);

“**footpath**” means that portion or lateral extremities of the public road which, although not actually defined or made, is habitually used by pedestrians as a sidewalk;

“**goods vehicle**” means a motor vehicle, designed or adapted for the conveyance of goods on a public road;

“**heavy motor vehicle**” means a motor vehicle or a combination of motor vehicles the gross vehicle mass of which vehicle or combination of vehicles exceeds 3,500kg;

“**holding area**”, in relation to a taxi, means a place, other than a rank, where a taxi remains until space for it is available at a rank or stopping place;

“**marshal**” means a person who arranges passenger and vehicle-related procedures at taxi facilities;

“**mechanically or otherwise controlled parking ground**” means a parking ground to which entry is controlled by a mechanism, such as a boom, which opens or is manually opened on presentation of proof that any payment was or is to be made as determined by the Municipality in the annual schedule of tariffs;

“**metered parking bay**” means a parking bay in respect of which a parking meter has been installed or in respect of which a hand held device is used or electronic payment system has been implemented;

“**metered parking ground**” means a parking ground or any part thereof where parking is controlled by means of a parking meter or meters;

“**midi-bus**” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry more than 16 but less than 35 persons, including the driver;

“**mini-bus**” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry more than nine but not more than 16 seated persons, including the driver;

“**minibus-taxi**” means a motor car, a midi-bus or a mini-bus with an operating licence authorising it to operate an unscheduled public transport service on a specific route or routes, or where applicable, within a particular area;

“**motor vehicle**” means any self-propelled vehicle and—

- (a) a trailer; and
- (b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine, or motor, but does not include—
  - (i) a vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or
  - (ii) a vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person;

“**operate**”, in relation to a vehicle, means to use or drive a vehicle, or to permit a vehicle to be used or driven on a public road, or to have or to permit a vehicle to be on a public road;

“**operating license**” means an operating licence contemplated by the National Land Transport Act, 2009 (Act 5 of 2009);

“**operator**” means a public transport operator, as defined in the National Road Traffic Act, 1996 (Act 93 of 1996), being a person carrying on the business of a public passenger road transport service;

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“**organization**” means a group of people, company, association or body representing parking marshals that operates a parking marshal service or a parking management service in certain geographical areas as approved by the Municipality;

“**owner**” in relation to a vehicle, means—

- (a) the person who has the right to the use and enjoyment of a vehicle in terms of common law or a contractual agreement with the titleholder of such vehicle;
- (b) a person referred to in paragraph (a), for any period during which such a person has failed to return that vehicle to the titleholder in accordance with the contractual agreement referred to in paragraph (a); and
- (c) a person who is registered as such in accordance with regulations issued under section 4 of the National Road Traffic Act, 1996 (Act 93 of 1996);

“**park**” means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is reasonably necessary for the actual loading or unloading of persons or goods, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the person in charge of such vehicle, and “**parking**” has a corresponding meaning;

“**parking attendant**” means a person rendering a parking service for his or her own account;

“**parking marshals**” means a person in the employ of an organization to render a parking management service to drivers in a public place or on a public road;

“**parking bay**” means a demarcated area within which a vehicle is to be parked in terms of this By-law, demarcated as such by the Municipality upon the surface of a parking ground or a public road;

“**parking ground**” means any area of land or any building set aside by the Municipality as a parking ground or garage for the parking of vehicles by members of the public, whether or not charges are prescribed by this By-law for the use thereof;

“**parking meter**” means a device commissioned in terms of this By-law, registering and visibly recording the parking time either by means of a meter affixed to the device, or on a parking meter ticket issued by the device, or any other device by which parking time can be recorded whether operated by an authorized official or a service provider approved by the Municipality;

“**parking period**” means the maximum continuous period during which a vehicle is permitted to park in a parking ground or parking bay as indicated by a road traffic sign;

“**passenger**” means any person in or on a vehicle, but does not include the driver or the conductor;

“**pay-and-display machine**” means any machine or device installed or operated at a pay-and-display parking ground for the sale of coupons;

“**pay-and-display parking ground**” means a parking ground in which a parking coupon must be obtained from a parking coupon vending machine which is situated in or in close proximity of the parking ground;

“**pedal cycle**” means any bicycle or tricycle designed for propulsion solely by means of human power;

“**prescribed**” means determined by resolution of the Municipality, and in relation to a fee, means as set out in the tariff policy of the Municipality;

“**prescribed coin**” means a coin of the Republic of South Africa being legal tender in terms of the South African Mint and Coinage Act, 1964 (Act 78 of 1964), of the denomination indicated on the parking meter concerned and includes debit, credit or city cards and any other method of payment as may be approved and prescribed by the Municipality from time to time;

“**public place**” means any square, park, recreation ground, sports ground, sanitary lane or open space which has—

- (a) in connection with any subdivision or layout of land into erven, been provided, reserved or set apart for use by the public, or the owners, or occupiers of such erven, whether or not it is shown on a general plan, plan of subdivision or diagram;
- (b) at any time been dedicated to the public;
- (c) been used by the public without interruption for a period of at least 30 years; or
- (d) at any time been declared or rendered as such by the Municipality or other competent authority;

“**public road**” means any road, street, cycle path, thoroughfare, parking ground, dedicated busway, parking bay or any other similar place, and includes—

- (a) the verge of any such public road;
  - (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
  - (c) any bridge, ferry or drift traversed by any such public road;
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- (d) any other object belonging to such public road, which has at any time been—
- (i) dedicated to the public;
  - (ii) used without interruption by the public for a period of at least 30 years;
  - (iii) declared or rendered as such by the Municipality or other competent authority; or
  - (iv) constructed by a local authority; and
- (e) any land, with or without buildings or structures thereon, which is shown as a public road on—
- (i) any plan of subdivision or diagram approved by the City or other competent authority and acted upon; or
  - (ii) any general plan as defined in the Land Survey Act, 1997 (Act 8 of 1997), registered or filed in a deeds registry or Surveyor General's office, unless such land is on such plan or diagram described as a private public road;

**“rank access token”** means a colour-coded sticker or other means of identification issued by the Municipality to the holder of a valid operating licence;

**“regulation”** means a regulation under the National Road Traffic Act, 1996 (Act 93 of 1996);

**“residence”** means a building, or part of a building, that is—

- (a) fixed to land;
- (b) designed or approved by the Municipality, for human habitation by a single family unit; and
- (c) used for residential purposes;

**“semi-trailer”** means a trailer having no front axle and so designed that at least 15% of its tare is super-imposed on and borne by the vehicle drawing such trailer;

**“sidewalk”** means that portion of a public road between the outer boundary of the roadway of a road and the boundary lines of adjacent properties or buildings which is intended for the use of pedestrians;

**“special parking place”** means a rank, stand or bus stop established by the Municipality on a public road within the Municipality for the parking or standing of a taxi or a bus;

**“stand”** in relation to a bus, means the place where a bus route starts or ends;

**“stop”** in relation to a taxi stopping in a stopping place on a public road, means to keep a taxi, whether occupied or not, stationary for a period of time no longer that is reasonably necessary for the actual loading or off-loading of persons or goods, but does not include any such stopping by reason of a cause beyond the control of the driver of such taxi;

**“stopping place”** in relation to—

- (a) a taxi, means the place designated by the Municipality where a taxi may stop to pick up or drop off passengers; and
- (b) a bus, means a bus stop;

**“tare”** in relation to a motor vehicle, means the mass of such a vehicle ready to travel on a road and includes the mass of—

- (a) any spare wheel and of all other accessories and equipment supplied by the manufacturer as standard for the particular model of motor vehicle concerned;
- (b) anything which is a permanent part of the structure of such vehicle;
- (c) anything attached to such vehicle so as to form a structural alteration of a permanent structure; and
- (d) the accumulators, if such vehicle is self-propelled by electrical power, but does not include the mass of—
  - (i) fuel; and
  - (ii) anything attached to such vehicle which is not of the nature referred to in subsection (a) or (b);

**“taxi”** means a motor vehicle which plies for hire, is operated for reward, and includes—

- (a) a mini-bus, a midi-bus, motor tricycle or motor quadrucycle, and includes a minibus-taxi; and
- (b) a metered taxi;

**“taxi association”** means a taxi association recognized as such by the Municipality;

**“taxi facility”** means a holding area, special parking place, stopping place, rank, terminal and any other facility that is specifically identified and designated by the Municipality for the exclusive use of taxis and, regarding a minibus-taxi making use of a bus stop in terms of section 5, includes a bus stop;

**“taxi operator”** means the person responsible for the use of a taxi, provided that in terms of Chapter IV of the National Road Traffic Act, 1996 (Act 93 of 1996), it means the person who has been registered as the operator of such vehicle;

“**taxi rank**” means a taxi facility identified by the Municipality where a taxi may stand to ply for hire or to pick up passengers for their conveyance for reward;

“**temporary taxi facility**” means a taxi facility contemplated in section 49(2);

“**trailer**” means a vehicle which is not self-propelled and designed or adapted to be drawn by a motor vehicle, but does not include a sidecar fitted to a motor cycle;

“**tri-cycle**” means a three-wheeled cycle exclusively designed or prepared for the conveyance of goods and propelled solely by human power;

“**verge**” means that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway or the shoulder;

“**vehicle**” means a device designed or adapted mainly to travel on wheels, tyres or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged, other than such a device which moves solely on rails.

- 1.2 In this By-law, a word or expression that has been defined in the National Road Traffic Act, 1996 (Act 93 of 1996), has that meaning, unless the context otherwise indicates.

## 2. Purpose

- (1) The purpose of this By-law is to control parking within the area of jurisdiction of the Municipality in order to provide a safe environment.

## CHAPTER 2 GENERAL PROVISIONS RELATING TO PARKING

### *Part 1: General provisions*

#### 3. Control of parking

- (1) Whenever the public or a number of persons are entitled or allowed to use, as a parking place, an area of land, including land which is not part of a public road or a public place, an authorised officer may, in cases of emergency or when it is desirable in the public interest, direct and regulate traffic thereon.
- (2) The Municipality may manage parking and collect any fees related to parking or appoint a service provider to manage parking and to collect any fees related to parking.
- (3) No person may without the prior written approval of the Municipality erect or place any sign or notice in any position or place indicating that parking in any parking bay is either reserved for a person or a class of persons.
- (4) The Municipality may operate a parking management system in areas and during times determined by the Municipality from time to time.
- (5) A person who disregards an instruction of an authorised officer in terms of subsection (1) or who erects or places a sign or notice in contravention of subsection (3) or who contravenes subsection (4) commits an offence.

#### 4. Parking in a loading zone

- (1) No person who operates or who is in charge of a vehicle on a public road may allow, subject to subsections (2) and (3), the vehicle to remain stationary in a loading zone—
- between the hours of 07:00 and 18:00 on Mondays to Saturdays, except where such day is a Public Holiday;
  - between the hours of 07:00 to 14:00 on Sundays, except where such day is a Public Holiday; or
  - between other restricted hours as may be specified in respect of a particular loading zone by a road traffic sign or marking.
- (2) No person who operates or who is in charge of a vehicle on a public road may allow a vehicle, other than a goods vehicle, to remain stationary in a loading zone for more than five minutes continuously, except while actually loading or off-loading persons or goods and while a licensed driver is in attendance at the vehicle.
- (3) No person who operates or who is in charge of a vehicle on a public road may allow a goods vehicle to remain stationary in a loading zone for more than 30 minutes continuously, except while the vehicle is being actually loaded or off-loaded.
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(4) The driver of a vehicle, other than a goods vehicle, stationary in a loading zone must immediately remove the vehicle from the loading zone upon being directed to do so by an authorised officer, even if the vehicle has not been stationary therein for longer than the maximum period allowed in respect of a vehicle of that class.

(5) A person who contravenes a provision of this section commits an offence.

#### **5. Parking at a bus stop or in a dedicated busway**

(1) No person who operates or who is in charge of a vehicle on a public road may—

- (a) in the case of a vehicle other than a bus or a minibus-taxi, allow the vehicle to remain stationary at a bus stop;
- (b) in the case of a vehicle other than a bus, allow the vehicle to be driven, park or remain stationary in a dedicated busway or at the entrance to a dedicated busway or in a manner inhibiting the movement of a bus in, into or from such busway.

(2) Subsection (1)(a) does not apply to a driver or person in charge of a vehicle who allows such vehicle to remain stationary at a bus stop where that bus stop is located in a driving lane of a public road, where the vehicle is kept stationary in order to comply with a traffic signal or for another reason linked to road safety; Provided that such driver or person in charge does not allow passengers to board or alight from the vehicle.

(3) A person who contravenes subsection (1) commits an offence.

#### **6. Parking in a public road**

(1) No person who operates or who is in charge of a vehicle on a public road may park the vehicle in any public road within the municipal area for a period beyond that indicated on a road traffic sign relevant to the specific area.

(2) No person may leave a vehicle in the same place in a parking bay for a continuous period of more than seven days.

(3) No person may park a heavy motor vehicle designed, adapted or used for the conveyance of goods anywhere in the municipal area, except on private land or in those areas where road traffic signs regulating such parking have been erected.

(4) A person who contravenes a provision of this section commits an offence.

#### **7. Parking upon a traffic island**

(1) No person may park a vehicle upon a traffic island, unless directed or instructed to do so by an authorized officer or unless a parking bay has been demarcated upon such traffic island.

(2) A person who parks a vehicle upon a traffic island in contravention of subsection (1), or who fails to comply with a direction or instruction by an authorised officer commits an offence.

#### **8. Parking by a dealer or seller of a vehicle**

(1) No dealer or seller of a vehicle may park or allow to be parked on the verge of a public road within the municipal area a vehicle which is for sale or for rental, whether advertised as such or not.

(2) A dealer or seller who contravenes subsection (1) commits an offence.

#### **9. Parking of a vehicle under repair**

(1) No person responsible for the control of a business of recovering or repairing vehicles may park, cause or permit to be parked, in any public road or public place within the municipal area any vehicle that is in a state of disrepair, which has been placed in his or her charge in the course of the business of recovering or repairing.

(2) A person who contravenes subsection (1) commits an offence.

#### **10. Parking of heavy vehicles and caravans**

(1) No person may, for an uninterrupted period exceeding two hours, except on places reserved for the parking of heavy vehicles, park on a public road within the municipal area—

- (a) a motor vehicle with a tare exceeding 3500 kg;
  - (b) a trailer not attached to a vehicle;
  - (c) a semi-trailer, or
-

(d) a caravan not attached to a vehicle.

(2) Whenever a vehicle is parked in contravention of subsection (1), it is deemed that the owner thereof has parked such vehicle, unless the contrary is proved.

(3) A person who contravenes subsection (1) commits an offence.

**11. Exemption of medical practitioners from parking restrictions**

(1) (a) Registered general medical practitioners to whom a badge has been issued in terms of subsection (3)(a) are exempt from the provisions of this By-law, subject to paragraph (b), when using, on a bona fide professional domiciliary visit, a motor vehicle on which is displayed a badge conforming with the requirements of subsection (2) issued to him or her by the Municipality.

(b) A person contemplated in paragraph (a) is not exempt from a provision prohibiting the stopping of a vehicle or the parking of a vehicle in a bus stop or across an entrance.

(2) (a) The badge must be a windscreen sticker badge displaying on the face thereof—

- (i) a serial number; and
- (ii) the name of the person to whom it is issued.

(b) The badge must be displayed on the lower left corner of the windscreen and must have a pocket in which the person contemplated in subsection (1) inserts a white card showing the address at which the holder of the badge is actually making a professional domiciliary visit at the time the motor vehicle to which it is affixed is parked, and the address shown on the card must be easily legible from outside the vehicle.

(c) The address referred to in paragraph (b) must be the same street or a street adjoining and in close proximity to the place where the vehicle is parked.

(3) (a) Written application for the issue of a badge must be made to the Municipality and if the Municipality approves the application, it must issue a badge bearing a registered serial number to the applicant.

(b) The Municipality must keep a register in which it records—

- (i) The badge issued by it;
- (ii) the serial number allocated to a badge; and
- (iii) the name of the holder of a badge.

(c) The Municipality may issue a duplicate badge.

(d) Where the Municipality has reason to believe that any holder of a badge is abusing a privilege conferred by the badge, it may withdraw the badge from the holder and the privileges conveyed by the badge shall thereupon cease.

(e) The Municipality may charge a fee for the issuing of a badge or a duplicate thereof.

(f) The Municipality may prescribe the period for which a badge will be valid.

(4) Application for a badge must be made on a form provided for this purpose by the Municipality.

(5) A person who displays a forged badge or a badge which was not issued by the Municipality commits an offence.

**12. Outspanning in public roads**

(1) No person may outspan or allow to be outspanned in any public road or public place any vehicle drawn by animals, or detach or leave in any public road or public place any trailer, caravan or vehicle which is not self-propelled, however, this provision does not apply when such vehicle is being loaded or off-loaded.

(2) A person who contravenes subsection (1) commits an offence.

**Part 2: Parking permits**

**13 Resident parking permit**

(1) Subject to any conditions the City may impose and subject to section 17(1) and (2), a resident parking permit may be granted to persons—

(a) who reside in a residence—

- (i) situated on a section of road in circumstances where parking immediately adjacent to the residence is regulated by time;
- (ii) in circumstances where not more than one person who resides in the residence is the holder of a current permit; and
- (iii) situated on a section of road in circumstances where the issue of the permit would not unduly impede the flow of traffic either on the road or in the area; and

- (b) whose residence does not have and cannot reasonably provide off-street parking.
- (2) Subject to any conditions the Municipality may impose and subject to section 17(1) and (2), a resident parking permit may be granted to persons—
- (a) who reside in a residence that is situated in an area that is in the vicinity of a sports stadium, field or facility, or any field or facility where an event is hosted; and
- (b) in circumstances where such an area is cordoned off or declared a zone where access is denied to vehicles, to enter and park a vehicle in such area, cordoned off or declared zone.
- (3) A person who parks a vehicle in contravention of subsection (1) commits an offence.

#### 14. Temporary parking permit

- (1) Subject to any conditions the Municipality may impose and subject to section 17(1), a temporary parking permit may be granted to allow the holder of the permit to park one or more vehicles in a designated parking space for a period specified in the permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space.
- (2) A temporary parking permit may only be granted if the Municipality is satisfied that—
- (a) the applicant is engaged in some temporary activity affecting premises immediately adjacent to the designated parking space to which the application relates; and
- (b) it is not reasonably practical for the applicant to carry out that activity unless the designated parking space to which the application relates are allocated to the exclusive use of the applicant for the duration of the activity.
- (3) A person who parks a vehicle in contravention of subsection (1) commits an offence.

#### 15. Work zone permit

- (1) Subject to any conditions the Municipality may impose and subject to section 17(1) and (3), a work zone parking permit may be granted for driving, parking or building or construction purposes in a parking bay or parking ground or on the verge of a road or elsewhere on a public road if the City is satisfied that—
- (a) the part of the road or other area referred in subsection (1) to which the application relates is adjacent to or at the site of proposed building, construction or other work; and
- (b) the carrying out of the building, construction or other work is lawful; and
- (c) having regard to the nature of the building, construction or other work and the characteristics of the site of the work, it is not reasonably practical for all work activity involving the vehicle, including loading and off-loading and associated vehicle movements, to be confined within the site, or to areas within close proximity where parking is permitted.
- (2) Holders of work zone permits may only use such permits for the parking of any vehicle in the execution of their duties.
- (3) A person who parks a vehicle in contravention of subsection (1) or who uses a work zone permit whilst not executing his or her duties commits an offence.

#### 16. Municipal works parking permit

- (1) Subject to any conditions the Municipality may impose and subject to section 18(1), a municipal works parking permit may be granted to allow a person to park one or more vehicles in a designated parking space, and for a period specified in the permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space if the person is—
- (a) an employee, contractor or agent of the Municipality; and
- (b) parking the vehicle or vehicles in the space—
- (i) for the purpose of carrying out work for or on behalf of the Municipality; and
- (ii) in the course of carrying out his or her duties for or on behalf of the Municipality.

#### 17. Conditions and originality of parking permits

- (1) (a) The holder of a parking permit must affix the original permit on the windshield of the vehicle identified in the permit facing outwards, and as near as practicable to the registration label for the vehicle.
- (b) The Municipality may only issue a replacement permit after the permit holder has declared the facts and circumstances of a loss, destruction or damage of the original permit to the satisfaction of the Municipality.
- (2) (a) A resident parking permit must be used only in respect of the parking of a vehicle at the location identified in the permit which must be—
- (i) the road adjacent to the place of residence identified in the permit; or
- (ii) the one or more segments of road in close proximity to the place of residence identified in the permit; and
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- (b) The holder of a resident parking permit must only use the permit whilst the holder remains a resident at the place of residence identified in the permit.
  - (c) A resident parking permit is not specific to any particular vehicle.
  - (d) The Municipality may only issue a maximum of one parking space per residence.
- (3)
    - (a) A work zone permit must specify the part of the road to which the permit relates.
    - (b) The holder of a work zone permit must pay the prescribed fee, as determined by the Municipality, for the installation of official traffic signs, or other signs and markings to identify the boundaries of the work zone identified in the permit.
    - (c) No person may be stack, place or otherwise leave materials of any kind on the road or footpath within or outside of a work zone.
    - (d) No person may park, and load or off-load a vehicle or carry out any other operation in a manner which obstructs pedestrian movement along a footpath within or adjacent to a work zone.
    - (e) The holder of a work zone permit must keep the permit on site and produce upon request by an authorised officer.
- (4) No person to whom a permit has been granted in terms of sections 13, 14, 15 and 16 may stop, park or leave a vehicle at any time in a designated parking space unless the vehicle displays an original parking permit.
  - (5) Any person who contravenes any provision of this section, or who displays a copy of a parking permit commits an offence.

### **18. Reserved parking for the disabled, diplomatic corps, South African Police Services and other identified groups**

- (1) The Municipality may reserve parking areas for the disabled, diplomatic corps, South African Police Services and any other groups identified by the Municipality, and may designate such areas by notice or road signage and may impose conditions appertaining to the issue of special parking facility permits.
- (2) No person may stop, park or leave a vehicle at any time in any designated parking space other than a vehicle displaying a designated parking permit.
- (3) Any person who contravenes subsection (2) commits an offence.

## **CHAPTER 3 PARKING METERS AND PAYMENT FOR PARKING**

### **19. The installation of parking meters or use of any other device to record the time parked**

- (1) The Municipality may install or cause to be installed or operate or cause to be operated in a public road or place in the municipal area—
  - (a) a parking meter at a parking space demarcated as a parking bay;
  - (b) a combined parking meter at a parking space demarcated as parking bays; or
  - (c) any other device by which parking time can be recorded and displayed.
- (2) The Municipality may install or operate a parking meter contemplated in subsection (1) upon the kerb, footpath or sidewalk which adjoins the parking bay in respect of which it is installed or at any other place in close proximity that serves the parking bay.
- (3) In the instance where a parking meter is not automatically activated by the insertion of a prescribed coin, a notice, which indicates the kind of action to be taken in order to set the meter in operation once the prescribed coin has been inserted, must be clearly displayed on the parking meter or a notice board.
- (4) In the instance where a meter is out of order, an authorised officer may securely place over the meter a hood carrying in legible letters the words: "Out of order" and in such instances a vehicle may be parked without payment of the prescribed amount.

### **20. Method of parking**

- (1) No driver or person in charge of a vehicle may park the vehicle—
    - (a) in a parking bay across a painted line marking the bay or in such a position that the vehicle is not entirely within the area demarcated as a parking bay;
    - (b) in a parking bay which is already occupied by another vehicle; or
    - (c) in a parking bay in contravention of a road traffic sign which prohibits the parking or stopping of vehicles in the public road or portion of the public road concerned.
  - (2) A person who contravenes the provisions of subsection (1) commits an offence.
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**21. Payment for parking**

- (1) (a) When a vehicle is parked in a parking bay, the driver or person in charge of the vehicle must—
- (i) immediately deposit or cause to be deposited in the parking meter which adjoins the parking bay in respect of which it is installed the prescribed coin as indicated on the meter for the period of time during which he or she desires to park his or her vehicle in the bay, and must, where applicable, set the meter in operation either by inserting the prescribed coin in the appropriate slot of the parking meter, or where applicable, in accordance with the instructions appearing on the parking meter; or
  - (ii) effect payment by any other means prescribed by the Municipality irrespective of the device used to record the time parked and irrespective of whether payment is required at the beginning or end of the period so parked, and a driver or person in charge of a vehicle who fails to do so, commits an offence.
- (b) When a vehicle or a vehicle and a trailer is of such dimensions that it occupies more than one metered parking bay, the driver or person in charge of the vehicle must—
- (i) immediately deposit or cause to be deposited in the parking meters which adjoin the parking bays in respect of which they are installed the prescribed coins as indicated on the meter for the period of time during which he or she desires to park his or her vehicle in the bays, and must, where applicable, set the meter in operation either by inserting the prescribed coin in the appropriate slot of the parking meter, or where applicable, in accordance with the instructions appearing on the parking meter; or
  - (ii) effect payment by any other means prescribed by the Municipality irrespective of the device used to record the time parked and irrespective of whether payment is required at the beginning or end of the period so parked, and a driver or person in charge of a vehicle who fails to do so, commits an offence.
- (c) On completion of the actions prescribed in paragraphs (a) and (b), the metered parking bay may be lawfully occupied by a vehicle during the period which is indicated on the parking meter.
- (d) Subject to paragraph (e), a driver or person in charge of a vehicle may, without payment, park a vehicle during such time (if any) as may be indicated on the parking meter as being unexpired from its previous use, provided that the Municipality may cancel any paid for time remaining on a meter after a vehicle for which the parking was paid for vacated the parking bay and before the parking bay is occupied by a subsequent vehicle.
- (e) Subsection (d) does not apply to any parking bay where unexpired time is not visibly displayed.
- (2) Subject to the provisions of subsection (3), the driver or person in charge of a vehicle may, irrespective of whether the authorised period of parking has expired or not, immediately set the parking meter in operation as set out in subsection (1)(a), and after the meter has been set in operation, the vehicle may lawfully occupy the parking bay for the further period indicated on the parking meter.
- (3) No person may leave a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter or other device, and a person who leaves a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter, a sign or device, commits an offence.
- (4) Subject to the provisions of section 13, no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in a parking bay while the indicator of the parking meter or any other device shows that—
- (a) the time has expired; or
  - (b) that the parking meter has not been set in operation either by the insertion of the prescribed coin or, where applicable in accordance with the instructions appearing on the parking meter, and a driver or person in charge of a vehicle who contravenes a provision of this subsection commits an offence.
- (5) Subject to subsection 1(a), where a parking meter cannot be set in operation despite compliance or attempted compliance with the procedure prescribed in subsection (1)(a)(i), no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay for a continuous period exceeding the period which was indicated by the indicator of the parking meter when such vehicle was parked in the said parking bay, however if—
- (a) the indicator shows that—
    - (i) the time has expired;
    - (ii) the parking meter has not been set in operation; or
  - (b) a hood has been placed over the parking meter as envisaged in section 19(4), no driver or person may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay, and a driver or person in charge of a vehicle who contravenes a provision of this subsection commits an offence.

**22. Prevention of parking at a parking bay**

- (1) An authorised officer may display road traffic signs whenever necessary or expedient to do so in the interests of the movement or control of traffic, place or erect a traffic sign or signs indicating “No Stopping” or “No Parking” at a parking bay, and no person may stop or park a vehicle or cause or permit a vehicle to be stopped or parked in such parking bay—
- (a) while the sign is so placed or erected; or
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- (b) during any period when the stopping or parking of a vehicle in the public road or portion of the public road concerned is prohibited in terms of such traffic sign, and a person who contravenes a provisions of this section commits an offence.

**23. Tampering with a parking meter or device**

- (1) No person may—  
(a) misuse, damage, knock interfere with or tamper with;  
(b) attempt to misuse, damage, knock interfere with or tamper with, the working operation or mechanism of a parking meter.
- (2) No person may, without authority from the Municipality and subject to any other by-law of the Municipality, affix or attempt to affix or place a placard, advertisement, notice, list, document board or thing on a parking meter.
- (3) No person may paint, write upon or disfigure a parking meter.
- (4) No person may, without the consent of a parking marshal, remove or tamper with any device from the possession of such parking marshal.
- (5) A person who contravenes a provision of this section commits an offence.

**24. Prescribed coin only to be deposited**

- (1) No person may deposit or cause to be deposited in a parking meter anything other than the prescribed coin.
- (2) A person who contravenes subsection (1) commits an offence.

**25. Unlawful operation of a parking meter**

- (1) No person may operate or attempt to operate a parking meter by any means other than as prescribed in this By-law.
- (2) A person who contravenes subsection (1) commits an offence.

**26. Unlawful parking and clamping or removal of unlawfully parked vehicles**

- (1) No person may cause, allow, permit or suffer any vehicle to be parked in a parking bay, except as permitted by the provisions of this By-law.
- (2) Where any vehicle is found to have been parked in contravention of this By-law, it is deemed to have been parked, or caused to be parked, or allowed to have been parked by the person in whose name the vehicle is registered unless and until he or she adduces evidence to the contrary.
- (3) The Municipality may—  
(a) attach a wheel clamp to any unlawfully parked vehicle;  
(b) or cause an unlawfully parked vehicle to be removed to a place designated by the Municipality; and  
(c) charge a fee for the removal of a wheel clamp attached in terms of subsection (3)(a) or the release of a vehicle which was removed in terms of subsection (3)(b), which fees will be payable upon removal of such wheel clamp or release of such vehicle.
- (4) A person who contravenes subsection (1) commits an offence.

**27. Exemptions**

- (1) Notwithstanding any other provision in this By-law, the driver or person in charge of the following vehicles may, subject to the provisions of this section, park in a metered parking bay without payment of the prescribed fee:  
(a) a vehicle used as an ambulance and being at the time used to attend to a life threatening situation;  
(b) a vehicle used by a fire brigade for attendance at fires and being at the time used by the brigade in attending to a fire; and  
(c) a vehicle used by a member of the South African Police Service, the Metropolitan Police Service or the Law Enforcement division of the Municipality and being at the time used in connection with a crime that is either in progress or in connection with the collection or protection of evidence in the aftermath of a crime.
- (2) Subject to any time limits or restrictions regarding the stopping or parking of vehicles as are prescribed by any other law, regulation or by-law, a parking bay may be occupied without charge during the hours indicated by the Municipality on a sign erected for that purpose.
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- (3) A person who contravenes subsection (2) commits an offence.

## CHAPTER 4 PARKING GROUNDS

### *Part 1: General provisions*

#### **28. The Municipality not liable for loss or damage**

- (1) The Municipality is not liable for the loss of or damage howsoever caused, to any vehicle or person or any accessories or contents of a vehicle which has been parked in a parking ground.

#### **29. Interference with authorised officials, authorised officers and parking marshals**

- (1) No person may obstruct, hinder or in any manner interfere with an authorised official, authorised officer or a parking marshal in the performance of his or her duties under this By-law.

- (2) A person who contravenes subsection (1) commits an offence.

#### **30. Payment of prescribed fee**

- (1) A person making use of a parking ground or parking bay must, where fees have been determined in respect of the parking ground or parking bay, pay the prescribed fee in any way or format prescribed by the Municipality.

- (2) The Municipality may in respect of a parking ground controlled by the issue of coupons, issue at the prescribed fee a coupon which entitles the holder for one calendar month or any lesser period stated in the coupon to park a vehicle in the ground, if a parking bay is available, at the times stated in the coupon.

- (3) The Municipality may issue to any of its officials a coupon which entitles the holder, when using a vehicle regarding the business of the Municipality, to park the vehicle in a parking ground specified, if space in the parking ground is available.

- (4) A coupon issued under subsection (2) or (3)—

- (a) may not, without the prior written consent of the Municipality —  
(i) be transferred to any other person; or  
(ii) be used in respect of any vehicle other than the specified vehicle;  
(b) must be affixed by the holder of the coupon to the vehicle in respect of which it is issued in such manner and place that the written or printed text of the coupon is readily legible from the outside of the vehicle; and  
(c) will only be valid for the period stated on such coupon.

- (5) Application for consent contemplated in subsection (4)(a) must be made on a form provided for this purpose by the Municipality.

- (6) A person who contravenes subsection (1), or who uses a parking ground or parking bay when the period for which a coupon was issued in terms of subsection (2) has elapsed, or who contravenes a provision of subsection (4) commits an offence.

#### **31. Observance of signs**

- (1) A person in a parking ground must observe and comply with any traffic or other sign, notice or surface marking which is placed or displayed on the parking ground for the purpose of directing and regulating vehicles using the parking ground or the entrance or exit to the parking ground.

- (2) A person who contravenes subsection (1) commits an offence.

#### **32. Manner of parking and removal of vehicle**

- (1) No person may in any parking ground park a vehicle otherwise than in compliance with an instruction or direction given by an authorized officer or as indicated by way of a sign, or introduce or remove a vehicle otherwise than through an entrance or exit to the parking ground demarcated for that purpose.

- (2) Where parking bays have been demarcated in a parking ground, no person having control or charge of a vehicle may park the vehicle—  
(a) in a place on the parking ground which is not a demarcated parking bay, unless instructed to do so by the authorised officer at the parking ground;
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- (b) in a parking bay across a painted line marking the bay or in such a position that the vehicle is not entirely within the area demarcated as a parking bay; or
  - (c) in a parking bay which is already occupied by another vehicle.
- (3) No person may park a vehicle on a roadway within a parking ground or on a sidewalk or in a manner restricting pedestrian movement on a sidewalk.
- (4) No person may in a parking ground park a vehicle in a manner which obstructs or inconveniences other users of the parking ground.
- (5) No person may park, or cause, or permit a vehicle other than a vehicle as defined in the National Road Traffic Act, 1996 (Act 93 of 1996), to be parked or to be or remain in a parking ground.
- (6) A person who contravenes a provision of this section commits an offence.

### **33. Abandoned vehicle**

- (1) The Municipality may remove to the Municipality's pound, a vehicle which has been left in the same place in a parking ground for a continuous period of more than seven days.
- (2) The Municipality must take all reasonable steps to trace the owner of a vehicle which was removed in terms of subsection (1), and if the owner of the vehicle or the person entitled to possession of the vehicle cannot be found within a period of 90 days after the vehicle has been removed, the Municipality may, subject to subsection (3) and sections 59 and 60, sell the vehicle at a public auction.
- (3) The Municipality must, 14 days before the auction contemplated in subsection (2), publish or cause to be published in at least two newspapers circulating within the municipal area, a notice of the auction, however, if the owner or the person entitled to possession of the vehicle claims the vehicle before the auction commences, the vehicle may not be sold at the auction, and the person must pay to the Municipality all prescribed fees payable in terms of this By-law and the applicable costs in terms of subsection (4).
- (4) The proceeds of a sale concluded in terms of this section must be applied first in payment of the fees referred to in subsection (3) and thereafter to defray the following:
- (a) the costs incurred in endeavouring to trace the owner in terms of subsection (2);
  - (b) the costs of removing the vehicle;
  - (c) the costs of publishing the notice of the auction;
  - (d) the costs of effecting the sale of the vehicle;
  - (e) the costs, calculated at a rate determined by the Municipality, of keeping the vehicle in the pound;
  - (f) the parking fees applicable for having left the vehicle in the parking ground as contemplated in subsection (1); and
  - (g) any unpaid parking fees or unpaid traffic fines in respect of such vehicle and the balance, if any, of the proceeds must be paid, upon claim, to the owner of the vehicle or the person entitled to the vehicle if he or she can prove his or her right to the vehicle.
- (5) If no claim is established within one year of the date of the sale, the balance of the proceeds contemplated in subsection (4) is forfeited to the Municipality.
- (6) No person may leave a vehicle in the same place in a parking ground for a continuous period of more than seven days, and a person who does so commits an offence.

### **34. Damage to notices**

- (1) No person may remove, mutilate, obscure or in any manner damage or interfere with a notice, notice-board, sign or other thing placed by the Municipality on a parking ground.
- (2) A person who contravenes subsection (1) commits an offence.

### **35. Negligent and dangerous driving and speed restriction**

- (1) No person may, on a parking ground, drive a vehicle negligently or in a manner dangerous to the public or to another vehicle.
- (2) The Municipality may by sign indicate the maximum speed that may be travelled in a parking ground.
- (3) A person who contravenes subsection (1) and a person who exceeds the maximum speed prescribed in terms of subsection (2), commits an offence.
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**36. Entering or remaining in parking ground**

- (1) No person may enter, remain or be on a parking ground otherwise than for the purpose of parking on the parking ground a vehicle, or lawfully removing from the parking ground a vehicle, in respect of which he or she has paid the prescribed parking fee, however this section does not apply to—
- (a) a person in the company of a person who is parking or removing a vehicle;
  - (b) officials of the Municipality engaged in official activities or on instruction from the Municipality; and
  - (c) a person employed by an appointed parking management service provider engaged in the execution of his or her duties.
- (2) A person who contravenes subsection (1) commits an offence.

**37. Tampering with vehicle**

- (1) No person may, on a parking ground, without reasonable cause or without the knowledge or consent of the owner or person in lawful charge of a vehicle, in any way interfere or tamper with the machinery, accessories, parts or contents of the vehicle, or enter or climb upon the vehicle, or set the machinery of the vehicle in motion.
- (2) A person who contravenes subsection (1) commits an offence.

**38. Defacing coupon**

- (1) No person may, in a parking ground with intent to defraud the Municipality, forge, imitate, deface, mutilate, alter or make a mark upon a parking coupon issued in terms of this By-law.
- (2) A person who contravenes subsection (1) commits an offence.

**39. Defective vehicle**

- (1) No person may park, or cause, or permit a vehicle which is mechanically defective or for any reason incapable of movement, to be parked or to remain in a parking ground.
- (2) If a vehicle, after having been parked in a parking ground, develops a defect which renders it immobile, the person in charge must take all reasonable steps to have the vehicle repaired if minor emergency repairs can be effected, or removed within a reasonable time.
- (3) A person who contravenes subsection (1) or subsection (2) commits an offence.

**40. Cleaning of vehicle**

- (1) No person may, without the prior approval of the Municipality, clean or wash a vehicle in a parking ground or parking bay.
- (2) A person who contravenes subsection (1) commits an offence.

**41. Refusal of admission**

- (1) An authorised officer may refuse to admit into a parking ground a vehicle which, together with its load, is longer than five metres, or is, by reason of its width or height, likely to cause damage to persons or property, or to cause an obstruction or undue inconvenience.
- (2) A person who disregards an authorised officer's refusal of admission commits an offence.

**42. Parking hours and classes of vehicles**

- (1) The Municipality may, subject to the provisions of this By-law, permit the parking on a parking ground during the hours when the parking ground is open for parking of such classes of vehicles as it may determine.
- (2) The Municipality must, in a notice posted at the entrance to the parking ground, set out the classes of motor vehicles which may be parked in the parking ground, and the opening and closing hours of the parking ground.
- (3) The Municipality may, notwithstanding a notice posted in terms of subsection (2), by notice exhibited on a parking ground, close the parking ground or a portion of a parking ground, either permanently or for a period stated in the notice, for the parking of vehicles.
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- (4) No person may park a vehicle or allow a vehicle to remain parked on a parking ground or portion of a parking ground which has been closed under subsection (3), or at any time other than during the hours for the parking of vehicles on the parking ground as determined by the Municipality from time to time.
- (5) No person may park on the parking ground a vehicle which is not of the class or classes which may use the parking ground for parking as set out in the notice erected at the entrance to the parking ground.
- (6) No person may, unless he or she is the holder of a parking coupon issued in terms of this By-law authorising him or her to do so, park a vehicle or cause or permit it to be parked in a parking ground before the beginning or after the expiry of the parking period determined for the parking ground.
- (7) A person who contravenes subsection (4), (5) or (6) commits an offence.

#### **43. Reservation by the Municipality**

- (1) The Municipality may, by notice exhibited in the parking ground, reserve a portion of a parking ground for the parking of vehicles owned by the Municipality or vehicles used by members of its staff on the business of the Municipality.
- (2) A person who parks a vehicle in a portion reserved for the parking of vehicles owned by the Municipality or for members of the Municipality's staff commits an offence.

#### **Part 2: Mechanically controlled parking ground**

#### **44. Parking of a vehicle in a mechanically or otherwise controlled parking ground**

- (1) Subject to section 2, a person who—  
(a) wishes to park a vehicle;  
(b) causes or permits a vehicle to be parked; or  
(c) allows a vehicle to be parked,  
in a mechanically or otherwise controlled parking ground must, when entering the parking ground and after the vehicle has been brought to a standstill and in accordance with the instructions which are displayed on or near the parking coupon vending machine, obtain a parking coupon which is issued by the machine.
- (2) A person contemplated in subsection (1) may not park a vehicle—  
(a) except in a parking bay and in compliance with such directions as may be given by an authorised officer or where no such bay has been marked, except in a place indicated by the authorised officer;  
(b) after an authorised officer has indicated to the person that the parking ground is full;  
(c) after the expiry of the parking period indicated on the parking coupon; or  
(d) for a longer period than indicated as indicated by sign.
- (3) A parking coupon obtained in terms of subsection (1) is valid until the time of expiry thereof as indicated on the coupon, and a person may not allow the vehicle to remain in the parking ground after expiry of the parking period, provided that the Municipality may implement a system where payment is required at the end of the parking period.
- (4) A person who does not obtain a coupon in accordance with subsection (1) or who contravenes subsection (2) or (3) commits an offence.

#### **45. Removal of a vehicle from a mechanically or otherwise controlled parking ground**

- (1) No person may remove, or cause or permit the removal of, a vehicle in a parking ground, unless—  
(a) he or she has produced to the authorised officer a coupon authorising him or her to park in the parking ground and which was issued to him or her by the parking coupon vending machine upon entering the parking ground; and  
(b) he or she has paid to the authorised officer the prescribed parking fee.
- (2) If a person fails to produce a coupon authorising him or her to park in the controlled parking ground, he or she is deemed to have parked the vehicle from the beginning of a period that the ground is open for parking until the time he or she wants to remove the vehicle, and he or she shall be charged a fee as determined by the Municipality from time to time.
- (3) A person may not, after he or she fails to produce a coupon, remove, or cause, or permit the removal of a vehicle parked in the parking ground until he or she has produced other proof to an authorised official of his or her right to remove the vehicle, and the authorised official—
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- (a) must require the person to produce proof of identity and complete and sign an indemnity form as supplied by the Municipality, which form has the effect of indemnifying the Municipality against claims of whatever nature by a person relating to the removal of that vehicle; and
  - (b) may require the person to furnish such security as may be determined by the Municipality.
- (4) Subsection (1)(a) does not apply where the prescribed parking fees were paid upon entering the parking ground and the person who paid such fees produces the required coupon to the authorised officer on demand.
- (5) Where a vehicle has not been removed from a parking ground by the end of the parking period for which the prescribed fee has been paid, a further charge as may be determined by the Municipality is payable for the next parking period.
- (6) A person who contravenes subsection (1), or who removes, or causes, or permits the removal of a vehicle in contravention of subsection (3), or who does not comply with a request made by an authorised officer in terms of subsection (3)(a) or (b) commits an offence.

### **Part 3: Pay-and-display parking ground**

#### **46. Parking of a vehicle in a pay-and-display parking ground**

- (1) A person who—
- (a) wishes to park a vehicle;
  - (b) causes or permits a vehicle to be parked; or
  - (c) allows a vehicle to be parked, in a pay-and-display parking ground must immediately, upon entering the parking ground, buy, in accordance with the instructions which are displayed on or in the vicinity of the parking coupon vending machine in the parking ground, a coupon which is issued by the machine, and a person who does not comply with this subsection commits an offence.
- (2) The following must be indicated on the parking coupon vending machine:
- (a) the period during which a vehicle may be parked in the pay-and-display parking ground; and
  - (b) the coin or other prescribed object or method of payment to be inserted or used in respect of the parking period into or in connection with the pay and display machine.
- (3) The person must display the coupon by affixing it to the inside on the driver's side of the front windscreen of the vehicle in such a manner and place that the information printed on the coupon by the pay-and-display machine is readily legible from the outside of the vehicle.
- (4) No person may allow a vehicle to remain in a pay-and-display parking ground after the expiry of the departure time indicated on the parking coupon and, unless evidence to the contrary is produced, the date or day and time of departure as recorded by a parking coupon vending machine is taken, on the face of it, to be correct evidence of date or day and time.
- (5) No person may park a vehicle, cause, permit or allow a vehicle to be parked in a pay-and-display parking ground if a parking coupon cannot be obtained from the parking coupon vending machine in the manner indicated thereon or when a notice displayed on the machine indicates that it is out of order.
- (6) If a vehicle is removed from a pay-and-display parking ground and returned to the pay-and-display parking ground within the period of validity of the parking coupon, the coupon continues to be valid.
- (7) Possession of a valid parking coupon in respect of a vehicle not within a parking bay does not guarantee the availability of a vacant parking bay.
- (8) A person who contravenes subsection (3), (4) or (5) commits an offence.

#### **47. Miscellaneous offences in respect of a pay-and-display parking ground**

- (1) A person commits an offence if he or she—
- (a) inserts or attempts to insert into a parking coupon vending machine—
    - (i) a counterfeit coin;
    - (ii) where another kind of object is to be used, a false object;
    - (iii) a coin which is not South African currency; or
    - (iv) any object which is not meant to be inserted into the parking coupon vending machine;
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- (b) jerks, knocks, shakes or in any way interferes or tampers with, or damages, or defaces a parking coupon vending machine or appurtenance thereto, or affix or attempt to affix or place a sign, placard, advertisement, notice, list, document, board or thing on, or paint, write upon or disfigure a parking coupon vending machine; or
- (c) removes or attempts to remove a parking coupon vending machine or any part of the machine from its mounting.

**CHAPTER 5**

**TAXIS AND BUSES**

**Part 1: Special parking places for taxis**

**48. Special parking places for taxis**

- (1) The Municipality may, subject to any other by-law of the Municipality relating to taxis, establish special parking places for use by taxis or the parking of a taxi belonging to a person to whom a rank access token to use the parking place or to park a taxi has been issued.
- (2) A rank access token may be issued allocating a particular special parking place or subdivision of a special parking place to a particular person or motor vehicle for his, her or its exclusive use.
- (3) If no space is available in a special parking place at any particular time for the parking of a taxi by a rank access token holder or for a taxi to which the rank access token relates, the taxi must be parked at a holding area specified by a duly appointed marshal operating at the special parking place, as contemplated in section 49, until the marshal or any other duly appointed person summons and permits the person to park the taxi at the special parking place.
- (4) No person or motor vehicle other than the person or motor vehicle referred to in subsection (2) may, except by virtue of a rank access token, use or be parked at the special parking place or its subdivision, and a person who contravenes this provision, or a person who parks a motor vehicle at a holding area other than the one contemplated in subsection (3) commits an offence.

**49. Taxi parking**

- (1) A driver may, subject to subsection (2) and section 48 and subject to any other by-law of the Municipality relating to taxis—
  - (a) park a taxi at a special parking place or taxi holding area only and only for the purpose of conducting business directly related to the taxi; or (b) ply for hire, or pick up or drop off passengers only at a special parking place or a taxi stopping place provided.
- (2) In emergencies or at recreational and other similar functions, the Municipality may set aside temporary taxi facilities identified by the Chief Traffic Officer as suitable for the parking and stopping of taxis.
- (3) A person who contravenes subsection (1), or who parks or stops a taxi at a place other than a temporary taxi facility contemplated in subsection (2) commits an offence.

**50. Use of taxi ranks**

- (1) Subject to any other by-law of the Municipality relating to taxis, a driver—
  - (a) may, subject to subsection (3), park a taxi at the taxi rank specified on the rank access token issued with respect to that taxi, if space is available and only for the purpose of conducting business directly related to the taxi; and
  - (b) must, if no space is available, remove and park the taxi at a holding area in accordance with the provisions of section 48.
- (2) The driver must, when plying for hire at a taxi rank, do so in a queue and must—
  - (a) position his or her taxi in the first vacant place available in the queue immediately behind any other taxi already in front; and
  - (b) move his or her taxi forward as the queue moves forward.
- (3) When plying for hire at a taxi rank, a driver—
  - (a) of any taxi which occupies the first, second or third position from the front of any queue at a rank must be in close and constant attendance of his or her taxi so long as it remains in such a position;
  - (b) may not position his or her taxi ahead of any taxi that arrived and took up a position in the queue before he or she did; and
  - (c) may, if his or her taxi is the first taxi in the queue, and any person calls for a taxi, respond to the call, unless the person clearly indicates his or her preference for a taxi not in front of the queue.
- (4) No person may park or stop a taxi which is not in good working order as required by the Act, in a taxi rank, or cause or permit the taxi to remain in a rank.

(5) No person may park a vehicle or allow a vehicle to remain stationary in a taxi rank except a taxi in possession of a valid operating licence and for which a rank access token, specifying the rank, has been issued for the year in question, as contemplated in this Part of Chapter 4.

(6) A person who contravenes a provision of this section commits an offence.

**51. Prohibition on parking of a taxi at no-stopping place**

(1) No taxi driver may park a taxi at a no-stopping place, and a taxi driver who does so, commits an offence.

**52. Servicing and washing taxis at taxi facilities**

(1) No person may repair or maintain any motor vehicle at a taxi facility.

(2) No person may wash any motor vehicle at a taxi facility, except at a wash bay at the facility that has been specially constructed for this purpose.

(3) A person who contravenes a provision of this section commits an offence.

**53. Behaviour prohibited at a taxi rank**

(1) A person who causes a disturbance or behaves in a riotous or indecent manner commits an offence in terms of this By-law and may be removed from a queue, taxi rank or the vicinity of a taxi facility by any authorised officer.

**Part 3: Bus facilities and permits, and operation of buses**

**54. Establishment of bus facilities**

(1) The provisions of section 48(1),(2) and (3) apply, with the necessary changes, to buses.

**55. Distinguishing bus stops**

(1) Each bus stop must be distinguished by the appropriate traffic sign to indicate the type of bus or minibus-taxi or, where applicable, the name of the concern entitled to use the bus stop.

(2) The Municipality may demarcate bus stops for tour buses.

**56. Destination signs and stopping or parking at bus stops**

(1) No driver or person in charge of a bus or minibus-taxi may park such vehicle at any bus stop or allow such vehicle to be parked at any bus stop.

(2) No driver or person in charge of a minibus-taxi may stop or park such vehicle or allow such vehicle to be stopped or parked at any bus stop demarcated for tour buses.

(3) A driver or person in charge of a bus or minibus-taxi must observe and comply with any traffic or other sign, notice or surface marking which is placed or displayed at a bus stop.

(4) Where a traffic sign identifying a bus stop or another sign displayed at the bus stop indicates the name of a concern, no driver or person in charge of a bus or minibus-taxi operated by or on behalf of a concern other than the concern indicated on the sign may stop such vehicle or allow a passenger to board or alight from the vehicle at such bus stop.

(5) A driver or person in charge of a bus must ensure that a destination sign is displayed in the bus.

(6) No driver or person in charge of a bus or minibus-taxi may allow the engine of such bus which is allowed to stop at any bus stop to run for more than 20 minutes after it came to a stop.

(7) A person who contravenes a provision of this section commits an offence.

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**CHAPTER 6****MISCELLANEOUS PROVISIONS****57. Obeying and interfering with an authorised officer**

- (1) An authorised officer may direct all traffic by means of visible or audible signals, and no person may disobey such signals.
- (2) No person may obstruct, hinder, abuse or interfere with any authorised officer in the exercise of the power referred to in subsection (1).
- (3) A person who contravenes a provision of this section commits an offence.

**58. Appeal**

- (1) A person whose rights are affected by a decision made under this By-law and in the event of the power or duty to make that decision is delegated or sub-delegated to the decision-maker, may appeal against that decision by giving written notice of the appeal and reasons to the City Manager within 21 days of the date of the notification of the decision.
- (2) 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.
- (3) When the appeal is against a decision taken by—
  - (a) a staff member other than the City Manager, the City Manager is the appeal authority; or
  - (b) the City Manager, the Executive Mayoral is the appeal authority.
- (4) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

**59. Sale of impounded vehicles**

- (1) The Municipality must—
  - (a) within 14 days of the impounding of a vehicle, apply to the Court for authority to sell the vehicle; and (b) in the application contemplated in paragraph (a), provide the Court with proof that he or she has lodged a statement as contemplated in subsection (2) with the owner.
- (2) The statement contemplated in subsection (1)(b) must include the fees and costs due in terms of this By-law.

**60. Procedure to be followed in application to Court**

- (1) An application to Court for the sale of an impounded vehicle in terms of this By-law, must comply with the procedure contemplated in section 66 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and Rule 41 of the Rules of Court, made by the Rules Board for Courts of Law in terms of section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), and published under Government Notice No. R.1108 in Regulation Gazette No. 980 of 21 June 1968, as amended from time to time, read with the necessary changes.

**61. Compliance notices and the recovery of costs**

- (1) Notwithstanding any other provision of this By-law, the Municipality may—
  - (a) where the permission of the Municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained; and
  - (b) where any provision of this By-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance, serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the Municipality may require to rectify such contravention within the period stated in such notice.
- (2) Any person who fails to comply with a notice in terms of subsection (1) commits an offence, and the Municipality may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

**62. Presumptions**

- (1) For the purpose of this By-law, the person in whose name a vehicle is licensed and which is parked in a parking ground, is deemed to be the person having control or charge of the vehicle, unless and until he or she adduces evidence to the contrary.
  - (2) A motor vehicle that is found on a taxi facility or bus stop or that has stopped at a taxi facility or bus stop is presumed to be plying for hire, unless the contrary is proved.
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- (3) (a) Where in any prosecution in terms of the common law relating to the driving of a vehicle on a public road, or in terms of this By-law it is necessary to prove who was the driver of such vehicle, it is presumed, in the absence of evidence to the contrary, that such vehicle was driven by the owner thereof.
- (b) Whenever a vehicle is parked in contravention of any provision of this By-law, it shall be presumed, in the absence of evidence to the contrary, that such vehicle was parked by the owner thereof.
- (c) For the purposes of this By-law it is presumed, in the absence of evidence to the contrary, that where the owner of the vehicle concerned is a corporate body, such vehicle was driven or parked by a director or servant of the corporate body in the exercise of his or her powers or in the carrying out of his or her duties as such director or servant, or in furthering, or endeavouring to further the interests of the corporate body.
- (4) In any prosecution in terms of this By-law, the fact that any person purports to act or has purported to act as a traffic officer or peace officer is prima facie proof of his or her appointment and authority so to act, however, this section does not apply to a prosecution on a charge for impersonation.
- (5) Any person, who, by means of any motor vehicle, conveys passengers will be presumed to have conveyed such passengers for hire or reward, and such vehicle shall be presumed to be a taxi unless the contrary is proved.
- (6) A document which purports to be a receipt of prepaid registered post, a telefax transmission report or a signed acknowledgement of hand delivery, will on submission by a person being prosecuted under this By-law, be admissible in evidence and prima facie proof that it is such receipt, transmission report or acknowledgement.

### **63. Penalties**

- (1) A person who has committed an offence in terms of this By-law is, on conviction, and subject to penalties prescribed in any other law, liable to—
- (a) 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
- (b) 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.

### **64 Repeal and Amendments**

- (1) The by-laws previously adopted by any of the disestablished municipalities now incorporated into Municipality, in so far as it relates to any matter provided for in this By-law, are hereby repealed.
- (2) The Parking By-laws of the Mangaung Metropolitan Municipality as promulgated in the Local Government Notice No. 87 of March 2013 are hereby amended

### **65 Short title and Commencement**

- (1) This By-law is called the **Mangaung, Parking By-law** and amendments effected come into effect on the date of promulgation by publication in the Provincial Gazette.
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[PROVINCIAL NOTICE NO. 38 OF 2019]

**MANGAUNG METROPOLITAN MUNICIPALITY**

**PROMULGATION NOTICE**

**Municipal Libraries By-law**

Passed by Council on Tuesday, 05 March 2019  
Under Item 18.1 – 5/03/2019

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the revised set of Municipal Libraries By-laws, at the sitting dated 05 March 2019.
- 2) The reviewed Municipal Libraries By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

**Adv. Tankiso Mea**  
**City Manager**

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**BY-LAWS RELATING TO MUNICIPAL LIBRARIES**

**1. Definitions**

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

**"Borrower"** means a person who can present evidence of membership of the library and whose name appears on the list of members kept by the library;

**"charges"** means any fine or miscellaneous charges in respect of the library as determined from time to time by the municipality;

**"Council"** means the Council of the Mangaung Metropolitan Municipality or any political structure, political office bearer, councillor or any staff member acting under council's delegated or sub-delegated power;

**"Legal deposit section"** means the section that received all publications as determined by the Legal Deposit Act, 1997 (Act No. 54 of 1997);

**"lending period"** means the period which the municipality determines for the lending out of different types of library material;

**"librarian"** means the officer, or his or her representative, appointed by the municipality to exercise control over and to manage the library;

**"library"** means the collection of library material under the control of the librarian which is made available for the use by the public;

**"library material"** means any material of whatever nature or form which is kept in a library and made available to the public; "member" means any person or organisation registered as a member of the library,

**"Municipality"** means Mangaung Metropolitan Municipality established by the Provincial Notice №. 155 of 2016 as published in the Provincial Gazette, Free State Province of 22 July 2016, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

**"non-resident"** means a person who does not live within the Municipality or a person who does not own ratable property within the Municipality;

**"reference section"** means the section where reference books are kept and where facilities are provided for study and reading;

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“resident” means a person living within the Municipality or a person who owns ratable property within the area;

“user” means a person who enters the library building for the purposes of using the library services and library material.

## 2. Use of the library

Any person admitted to the library by the Municipality may use the library facilities during official hours of opening. However, if a person wishes to borrow library material, he or she must first register as a member of the library.

## 3. Membership

- (1) (a) Subject to the provisions of paragraph (b) and subsection (2), the Municipality may grant to any person residing or employed within the area of jurisdiction of the municipality or who is a rate payer of the municipality, membership of the library, subject to the conditions determined by the municipality and provided such person undertakes to subject himself or herself to the provisions of these by-laws and the rules for conducting the business of the library, adopted by the Municipality.
- (b) the Municipality may, subject to the conditions it may determine, grant membership of the library to a pre-school or school-going child, should its parent or guardian consent, in writing, thereto and undertake to stand surety for the observance by such child of the provisions of these by-laws and the rules for conducting the business of the library adopted by the Municipality.
- (c) Membership is not transferable.
- (d) the Municipality must issue a membership card to a member authorizing him or her to borrow from the library such quantity of library material as may be determined by the municipality from time to time.
- (e) a membership card is valid from the date of issue thereof until the date of its expiry as determined by the Municipality from time to time. The membership of a person to whom such a membership card has been issued, lapses after the expiry date, unless it be renewed.
- (f) the borrowers must produce membership cards when borrowing library materials from time to time.
- (2) the Municipality may grant membership of the library to a person residing outside its area of jurisdiction on conditions determined by the Municipality from time to time.
- (3) a member desirous of terminating his or her membership of the library, must return his or her membership card, as well as all library material lent to him, to the librarian without delay, failing which he or she may be held responsible of all library material that might be borrowed against such membership card.
- (4) when a member changes his or her address, he or she must notify the librarian, in writing, within seven days of such change of address.
- (5) (a) when a member's membership card gets lost, he or she must forthwith notify the librarian, in writing, and the librarian may, on payment of the prescribed charges, issue a duplicate of such membership card.
- (b) should a lost membership card be found, the duplicate membership card issued in place thereof, must forthwith be returned to the librarian: Provided that any charges paid for such duplicate is not refundable to the member.
- (c) if a member gives notice in terms of paragraph (a), such member must, notwithstanding the provisions of section 8 (1), not be liable in terms of the said section in respect of any library material borrowed against the lost membership card after the date of such notice.
- (6) a person residing for a period of less than three months in the area of jurisdiction of the Municipality, may register as a visitor if-
  - (a) he or she applies for such registration on the form prescribed by the Municipality: Provided that the required proof of identification and particulars as determined by the Municipality, are submitted;
  - (b) he or she deposits with the librarian the prescribed deposit; and
  - (c) the Municipality approves such application.
- (7) the deposit contemplated by subsection (6) (b) must be refunded to a member on application by him or her provided that if any member does not renew his or her membership card within a period of three months after the expiry of the period of validity, such deposit is forfeited to the Municipality: Provided further that upon any such refunding or forfeiture, the registration of the member must be cancelled.

- (8) any person may, on behalf of any organisation or similar body, if duly authorised thereto by such organisation or body, apply on the form prescribed by the municipality for registration of such organisation or body as a member of the library.
- (9) The librarian can cancel the membership of any borrower who has been continuously non-active for a period of three years after the expiry date of his membership. However, the borrower thus having his membership cancelled does not forfeit the right at any future date to reapply for membership in terms of the provisions of this By-law.

#### **4. Borrowing or lending of library material**

- (1) A borrower is responsible for all library material which have been lent to him against his membership card.
- (2) No person must be in possession of any library material not lent against a membership card.
- (3) Library material bearing the mark of the library and on which there is no official indication that it has been withdrawn, written off or sold, is the property of the Municipality.
- (4) (a) a member borrowing library material from the library must ascertain whether such material is damaged and, if damaged, he or she must draw the librarian's attention to the fact.
- (b) the librarian should not make damaged library material available for borrowing purposes: Provided that where such damaged library material is nevertheless made available for borrowing purposes, particulars of such damage must be affixed thereto.
- (5) Provided that the library material has not been requested by another borrower, the period of borrowing or lending, may at the discretion of the librarian, be extended –
- (a) By delivering it to the librarian for reissue, or
- (b) By furnishing the librarian in writing or verbally with the following information;
- (i) the expiry date of lending period;
- (ii) the code number of the library material; and
- (iii) the name, address and telephone of the borrower.

#### **5. Returning of library material**

A member must return the library material borrowed by him or her to the librarian not later than the last day of the borrowing period: Provided that-

- (a) the Municipality may extend the borrowing period of any library material not in demand by any other member after consideration of an application to that effect by the member who borrowed the library material, for not more than two further borrowing periods;
- (b) a member is responsible for the return of library material borrowed by him or her, and should such member find it impossible to personally return such library material, he or she may return it in any other way;
- (c) a member who has borrowed library material must not keep it for more than three days after receipt of a written notice from the librarian that such library material is to be returned.
- (d) All library material borrowed should be returned to the librarian within the period of fourteen (14) days of the date of issue.
- (e) If library material is not returned within the period of lending or extended period of such, the borrower to whom the material was issued should pay to the librarian an amount determined from time to time by the Council by resolution for each week or part of a week during which the material was outstanding after expiry of such period.
- (f) The borrower is responsible for the return of all library material to the librarian in a good and undamaged condition as it was lent to him.
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**6. Overdue library material**

- (1) A borrower whose library material is habitually overdue may have his membership suspended or cancelled
- (2) If the returning of the library material is overdue, the provisions of sub-section 5(e) apply mutatis mutandis.
- (3) The Municipality may exempt any person from the payment of such fine if he or she is satisfied that failure to return library material is due to circumstances beyond the borrower's control.
- (4) In order to obtain overdue library material, the Municipality may determine a fine free period for a time in which such library material may be returned.
- (5) The Municipality may add the current replacement cost of any outstanding library material to the monthly services account of the member or his or her legal guardian should all other efforts in terms of this by-law fail to effect return of the library material.

**7. Reservation of library material**

A member is allowed to reserve library material.

**8. Lost or damaged library material**

- (1) Should library material be lost or become damaged or deemed to be lost in terms of subsection (2), the member against whose membership card such library material was borrowed must, in addition to any fine or other charges for which he or she is liable for in respect of the said library material, be liable for payment to the Municipality of the purchase price thereof or an amount to make good the damage as may be determined by the Municipality, unless he or she replaces it with a copy of equal value or a copy acceptable to the Municipality.
- (2) Library material retained by a borrower for more than three months calculated from the expiry date allocated to such material at the time of issuing or after granting any extension of the borrowing period, on receipt of a request to do so by registered post, fails to return library material within seven days, is deemed to be lost.
- (3) Lost or damaged library material remains the property of the Municipality.
- (4) No further library material must be lent to a member who, in terms of subsection (1), is responsible for the loss or damage of library material until such loss or damaged items have been replaced or until the amount of the damage caused or any other charge has been paid to the librarian.

**9. Handling of library material**

No person having library material in his or her possession, must either wilfully or negligently-

- (a) fail to keep such material in a clean condition;
- (b) expose or permit such material to be exposed to or be damaged by water, heat, fire, animals or any other thing;
- (c) mutilate, deface, mark, crease or in any way damage such material or permit such material to be mutilated, defaced, marked, creased or damaged;
- (d) remove or damage or permit to be removed or damaged any protective coverings of such material or fold;
- (e) lend any such material to any unauthorised person; or
- (f) make reproductions of material, except with the permission of the librarian

**10. Exposure of library material to contagious diseases**

- (1) No person suffering from a contagious disease must borrow or handle any library material from the library and no person must allow another person suffering from a contagious disease, to handle such library material lent to him or her.
  - (2) Any person being in possession of such library material from the library which was exposed to a contagious disease, must immediately advise the librarian that such library material was so exposed.
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- (3) No library material which has been exposed to an infectious disease shall be returned to the library before it has, in the opinion of the librarian, been properly disinfected.
- (4) The Municipality must at least once a year fumigate the library and all associated buildings to prevent damage to books and furniture and the possible spreading of any contagious disease.

#### **11. Library material for special purposes**

Library material of a specialised nature must only be used in such parts of the library as are set aside by the Municipality for special purposes and must not be removed from the library or to any other part of the library without the permission of the librarian.

#### **12. Use of the group activities hall**

- (1) Approval for the use of the group activities hall vests in the Municipality subject to any conditions laid down by the Municipality.
- (2) Any person who wishes to make use of the activities hall must pay to the Municipality the prescribed fee as may be determined by the Council from time to time.

#### **13. Library hours**

- (1) A notice by the Municipality, setting forth the days and hours during which the library is open to the public, should be displayed in a prominent place at or near the entrance of the library building or premises.
- (2) Libraries will not be open on Sundays and public holidays and the Municipality may temporarily close a library or any part thereof for such period as the Municipality deems necessary: Provided that the official notice of the Municipality's intention is displayed on the notice board seven days before the actual closing.

#### **14. Posting of by-laws in the library**

The librarian must place a copy of this by-law in a prominent place in the library and direct the attention of a user of the library thereto.

#### **15. Request for material not available in the library**

A borrower may on the prescribed form apply for library material which is not available in the library and the librarian may, if he deems it necessary, make arrangements to obtain it at a fee as determined by the Council from time to time by way of resolution.

#### **16. Reference section or legal deposit section**

- (1) No person shall be permitted to borrow library material from the collection of reference or the legal deposit section of the library.
- (2) Any person consulting library material or the legal deposit publication, shall do so at the place indicated by the librarian.
- (3) Any person using library material from the reference or legal deposit section, shall return such item when so requested by the librarian.

#### **17. Conduct or behaviour not allowed in the library**

No person must –

- (a) smoke in the library or any of its associate buildings;
- (b) make use of a cell phone in a library to conduct a conversation or for any other reason, or fail to switch off any cell phone in his or her possession upon entering the library;
- (c) conduct or participate in a conversation, read aloud, sing or whistle in the library in a manner which is disturbing to other persons present in the library building;
- (d) impede, obstruct, disturb or in any other way annoy any other person in the legitimate use of the library;
- (e) refuse to deliver any library material to the librarian within a reasonable time after being requested thereto verbally or telephonically;
- (f) allow any child under his or her supervision to create a disturbance in the library;
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- (g) act in an uncouth or disorderly fashion;
- (h) use unseemly, abusive or blasphemous language;
- (i) lay a bet or gamble in any part of the library,
- (j) recline, sleep, loiter or partake of refreshments in the library;
- (k) cause or permit any animal under his or her supervision to enter or remain in the library;
- (l) while using the library, refuse to comply with any lawful request of the librarian;
- (m) bring any vehicle, carrier or container into the library without the permission of the librarian;
- (n) distribute or deposit in the library for distribution, material for advertisement, publicity or any other purpose without the permission of the librarian;
- (o) damage or deface any part of the library or any fitting, furniture equipment or contents thereof;
- (p) supply a false name and address for the purpose of entering any part of the library or to benefit from any service rendered by the library;
- (q) enter or remain in any part of the library if he or she is –
  - (i) unclean on body or dress,
  - (ii) suffering from a contagious or infectious disease notifiable in terms of any law, or
  - (iii) under the influence of intoxicating liquor or drugs;
- (r) enter or remain in any part of the library during the hours that such a library or part thereof is not officially open for service to the public;
- (s) enter or leave the library by an entrance or exit not officially provided for the use of the public;
- (t) enter or remain in any part of the library which is reserved for the use of the library staff,
- (u) obstruct or block any entrance to or exit from the library;
- (v) remove from the library or be in the possession of library material the whereof the lending has not been registered by the librarian in terms of these by-laws;
- (u) bring his or her bags, food and refreshments in to the library.

#### 18. Offences and penalties

- (1) Any person contravening or failing to comply with any provisions of this by-law is guilty of an offence.
- (2) Such a person may be removed from the library by the librarian or by a person called upon thereto by the librarian.
- (3) Or may upon conviction, be liable to a fine not exceeding R2000 or, in default of payment, to imprisonment not exceeding the period of five(5) days or both such fine and imprisonment .
- (4) In the case of continuous offence, to an additional fine of five hundred rand (R500.00) or additional imprisonment of one (1) day for each day on which the offence continues, or his membership or use or access to municipal libraries be cancelled or denied for the period of five years.

#### 19. Repeal and Amendments

- (1) Any by -laws relating to libraries adopted by the former municipality now forming part of the Municipality, are repealed from the date of promulgation of this By-law.
- (2) The Libraries By-laws of the Mangaung Metropolitan Municipality as promulgated in the Local Government Notice No. 35 of June 2016 are hereby amended

#### 20. Short title and commencement

This By-law is called **Mangaung, Municipal Libraries By-law** and the amendments effected come into operation on the date of promulgation thereof in the Provincial Gazette.

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**[PROVINCIAL NOTICE NO. 39 OF 2019]****MANGAUNG METROPOLITAN MUNICIPALITY****PROMULGATION NOTICE****Noise Control By-law**

Passed by Council on Tuesday, 05 March 2019  
Under Item 18.1 – 5/03/2019

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the revised set of Noise Control By-laws, at the sitting dated 05 March 2019.
- 2) The reviewed Noise Control By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

**Adv. Tankiso Mea**  
**City Manager**

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**BY-LAWS RELATING TO NOISE CONTROL**
**1. PURPOSE**

To provide for the control and prevention of noise pollution and matters incidental thereto.

**2. DEFINITIONS**

In this By-law any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned to it and, unless the context otherwise indicates:

“**Act**” means the Environmental Conservation Act, 1989 (Act No. 73 of 1989)

“**ambient sound level**” means the reading taken at the end of a period at least 10 minutes, uninterrupted by an alleged disturbing noise, or an integrating impulse sound level meter placed at a measuring point during which period the said meter has been in operation at all times;

“**animal**” also includes birds in group or single;

“**controlled area**” means a piece of land designated by the Municipality where, in the case of:

- (a) road transport noise in the vicinity of a road:
  - (i) the reading on an integrating impulse sound level meter, taken outdoors at the end of a period extending from 06:00 to 24:00 on any day, during which period the said meter has been in operation at all times, exceeds 65 dBA; or
  - (ii) the equivalent continuous “A” – weighted sound pressure level at a height of at least 1,2 metres, but not more than 1,4 metres, above the ground for a period extending from 06:00 to 24:00 as calculated in accordance with SABS 0210-1986, titled “Code of Practice for calculating and predicting road traffic noise”, published under Government Notice No. 358 of 20 February 1987, and projected for a period of 15 years following the date on which the Municipality has made such designation exceeds 65 dBA;
- (b) aircraft noise in the vicinity of an airfield, the calculated noisiness index, projected for a period of 15 years following the date on which the Municipality has made such designation, exceeds 65 dBA; or
- (c) industrial noise in the vicinity of an industry:
  - (i) the reading on an integrating impulse sound level meter, taken outdoors at the end of a period of 24 hours while such meter is in operation, exceeds 61 dBA;
  - (ii) the calculated outdoor equivalent continuous “A” weighted sound pressure level at a height of at least 1,2 metres, but not more than 1,4 metres, above the ground for a period of 24 hours, exceeds 61 dBA, where dBA means the value of the sound pressure level in decibels determined using a frequency weighting network A and derived from the following equation:

$p$  = the “A” weighted sound pressure; and  $A_p$  = the reference sound pressure o.

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“**Council**” means the Council of the Mangaung Metropolitan Municipality or any political structure, political office bearer, councillor or any staff member acting under Council’s delegated or sub-delegated power;

**disturbing noise**” means a noise level which exceeds the zone sound level or, if no zone sound level has been designated, a noise level which exceeds the ambient sound level at the same measuring point by 7 dBA or more;

“**erect**” also means alter, convert, extend or re-erect;

“**integrating impulse sound level meter**” means a device which integrates a function of the root mean square value of sound pressure over a period of time while it is set on :1” – time weighting and which indicates the result in dBA; “measuring point”, relating to:

- (a) a piece of land from which an alleged disturbing noise emanates, means a point outside the property projection plane where an alleged disturbing noise, in the opinion of the Municipality
- (b) a building with one or more occupants, means a point in or outside the building where an alleged disturbing noise, in the opinion of the Municipality, and
- (c) a stationary vehicle, means a point as described in SABS 0181-1981 where a measuring microscope shall be placed;

“**Municipality/City**” means Mangaung Metropolitan Municipality or City of Mangaung established by the Provincial Notice No. 155 of 2016 as published in the Provincial Gazette, Free State Province of 22 July 2016, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**Municipal Manager/City Manager**” means the person appointed by the Council of the City as Municipal Manager and shall include any person acting in that position or to whom authority is delegated.

“**noise control officer**” means a person designated by the Municipality to implement and enforce these bylaws;

“**noise level**” means the reading on an integrating impulse sound level meter taken at a measuring point, of any alleged disturbing noise at the end of a total period of at least 10 minutes after such meter had been put into operation, and, if the alleged disturbing noise has a discernible pitch, to which 5 dBA has been added;

“**noise nuisance**” means any sound which disturbs or impairs or may disturb or impair or is deemed to disturb or impair the convenience or peace of any person;

“**noisiness index**” means a number expressed in dBA as defined in SABS0117;

“**non-exempted vehicle**” means a vehicle not listed in annexure A to SANS 10281;

“**plant**” means a refrigeration machine, air-conditioner, fan system, compressor, power generator or pump or mechanical driven device;

“**property protection plane**” means a vertical plane on, and including the boundary line of a piece of land defining the boundaries of such piece of land in space;

“**recreational vehicle**” means:

- (a) an off road vehicle, scrambler, dune buggy or ultra-light aircraft;
- (b) a model aircraft, vessel or vehicle;
- (c) any aircraft or helicopter used for sport or recreational purposes;
- (d) any other conveyance or model which in the opinion of the Municipality is a recreational vehicle;

“**SABS 0103**” means South African Bureau of Standards publication No. 10103 entitled: “The measurement and rating of environmental noise with respect to annoyance and to speech communication” published under Government Notice No. 718 in Government Gazette No. 18022 of 30 May 1997, as amended from time to time or its corresponding replacement.;

“**SANS 10117**” means South African Bureau of Standards publication No. 0117- 1974 titled: “Code of Practice for the determination and limitation of disturbance around an aerodrome due to noise from aeroplanes” published under Government Notice No. 151 of 01 February 1985, as amended from time to time or its corresponding replacement;

“**SANS 10181**” means South African Bureau of Standards publication No. 0181- 1981 titled: “Code of Practice for the measurement of noise emitted by road vehicles when stationary” published under General Notice No. 463 of 09 July 1982, as amended from time to time or its corresponding replacement;

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“**SABS 0210**” means South African Bureau of Standards publication No. 0210- 1986 titled: “Code of Practice for calculating and predicting road traffic noise” published under Government Notice No. 358 of 20 February 1987, as amended from time to time or its corresponding replacement;

“**SANS 10281**” means South African Bureau of Standards publication No. 0281- 1997 titled: “Engine speed (S values), reference sound levels and permissible sound levels of stationary road vehicles” published under Government Notice No. 761, 762, and 763 in Government Gazette No. 18040 of 06 June 1997, as amended from time to time or its corresponding replacement;

“**sound level**” means the reading on a sound level meter taken at a measuring point;

“**sound level meter**” means a device measuring sound pressure while is set on “**f**” – time weighting and which indicates the result in dBA;

“**zone sound level**” means a derived dBA value determined indirectly by means of a series of measurements, calculations or table readings and designated by the Municipality for an area.

### 3. APPLICATION

This By-law is applicable within the area of jurisdiction of the City of Mangaung.

### 4. DISTURBING NOISE

No person may cause a disturbing noise, or allow it to be caused by any person, animal, machine, device, vehicle, recreational vehicle, apparatus or any combination thereof.

### 5. NOISE NUISANCE

5.1 Where it could cause a noise nuisance, a person must not -

- (a) operate or play, allow to be operated or played, a radio, television set, drum, musical instrument, sound amplifier, loudspeaker system or similar device producing, reproducing or amplifying sound;
- (b) allow an animal owned or controlled by him or her to make noise;
- (c) build, make, construct, repair, rebuild, modify, operate or test a vehicle, vessel, aircraft, or object, or allow it to be built, made, constructed, repaired, rebuilt, modified, operated or tested, in or near a residential zone or premises;
- (d) erect, demolish or alter a building or structure, or allow it to be erected, demolished or altered, in accordance with the building regulations of the municipality, if it affects a residential zone or premises unless permission is granted by the municipality to conduct building operations within the hours specified in SANS 10400 for the control of noise, if building operations are to be carried out outside of these hours then an exemption is required;
- (e) use or discharge any explosive, firearm or similar device that emits impulsive sound or allow it to be used or discharged, except with the prior consent in writing of the municipality and subject to such conditions as the municipality may deem necessary, save as such person may otherwise be authorised in law to use or discharge;
- (f) on a piece of land or in water or in airspace above water or in airspace above a piece of land used for recreational purposes –
  - i) operate a recreational vehicle; or
  - ii) as the owner or person in control of the piece of land, water or airspace, allow any person to operate a recreational vehicle on such land or in such water or such airspace;
- (g) except in emergency situations or unless permission is obtained from the municipality, emit a sound, or cause or allow a sound to be emitted, by means of a bell, carillon, siren, hooter, static alarm, whistle, loudspeaker or similar device;
- (h) drive a vehicle on a public road;
- (i) use any power tool or power equipment used for construction purposes, drilling or demolition work, or allows it to be used, in or near a residential area, unless permission was granted by the municipality to conduct normal construction or repair work to public and private property.

5.2 This section is not applicable to use of or noise caused by generators.

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## 6. LAND USE

### 6.1 No person may–

- (a) establish any zone unless a Noise Impact Assessment has been undertaken in accordance with SANS 10328. The assessment must indicate that either the outdoor equivalent continuous day/night rating level (LR,dn), the outdoor equivalent continuous day-time rating level (LR,d) or the outdoor equivalent continuous night-time rating level (LR,n) appropriate for the particular district will not be exceeded at any position within the boundaries of the proposed zone;
- (b) construct or erect any building or make changes to existing facilities on a premises which will house an activity which does not conform with the dominant land use specified in the applicable zoning scheme;
- (c) construct or erect any building or make changes to existing facilities on premises which will house an activity which produces more noise with respect to that of the dominant land use specified in the applicable zoning scheme or will create a disturbing noise unless it has been proven that precautionary measures will be implemented. Such measures must be to the satisfaction of the municipality in that the premises, after being erected or developed or changes made, will be adequately insulated against the transmission of sound to the outside, so that either the outdoor equivalent day/night rating level (LR,dn), the outdoor equivalent continuous day-time rating level (LR,d) and/or the outdoor equivalent continuous night-time rating level (LR,n), will not exceed the appropriate rating level for outdoor noise specified in SANS 10103 at any position on the property projection plane of the premises; or (d) undertake any activity which constitutes a noise source referred to in SANS 10328 and any of the listed activities requiring an EIA in terms of the NEMA Regulations, which are considered to have a potential noise impact unless a Noise Impact Assessment has been undertaken in accordance with SANS 10328.

### 6.2 The municipality may -

- (a) before changes are made to existing facilities or existing uses of land or buildings or before new buildings are erected, in writing require that Noise Impact Assessments or tests be conducted to the satisfaction of the municipality by the owner, developer, tenant or occupant of the facilities, land or buildings concerned. Such reports or certificates must be submitted by such owner, developer, tenant or occupier to the municipality. The report should prove that either the outdoor equivalent continuous day/night rating level (LR,dn), the outdoor equivalent continuous day-time rating level (LR,d) and the outdoor equivalent continuous night-time rating level (LR,n) at any position on or outside the property projection plane of the existing facility, use of land or building will not exceed values for the appropriate level given in SANS 10103. The Noise Impact Assessment, if required shall be conducted in accordance with SANS 10328 or other applicable documentation and the tests, if required, must be conducted in accordance with SANS 10103 or other applicable documentation; or
- (b) If excavation, earthmoving, pumping, drilling, construction, or demolition, or any similar activity, power generation or music causes or may cause a noise nuisance or disturbing noise, instruct in writing that such work, activity, generation or music be forthwith discontinued until such conditions as the municipality may deem necessary have been complied with.

## 7. DESIGNATION OF CONTROLLED AREAS

### 7.1 The municipality may –

- (a) by notice in the provincial gazette, designate a controlled area in its area of jurisdiction or amend or cancel an existing controlled area; and by notice in the provincial gazette; and
- (b) designate zone sound levels for specific areas and for specific times in its area of jurisdiction or amend or cancel such designation;

### 7.2 No person may –

- (a) erect educational, residential, flat, hospital, church or office buildings in an existing township in controlled area or area for which a zone sound level has been designated in terms of subsection (7.1)(b), unless acoustic screening measures have been provided in the building to limit the reading on an integrating impound and sound level meter, measured inside the building after completion, to 40 Dba or such level as may be determined in accordance with subsection (7.1)(b): provided that any air-conditioning or ventilating system shall be switched off during the course of noise measurements;
  - (b) locate educational, residential, hospital or church erven within a controlled area in a new township or an area that has been rezoned: provided that such situation may be allowed by the municipality in accordance with the acoustic screening measures mentioned by that municipality in the approved buildings plans.
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**8. MOTOR VEHICLES**

- 8.1 No person may drive a vehicle, or allow it to be driven, on a public road, if the sound level at the measuring point measured, when stationary, in accordance with the procedure prescribed in SANS 10181 exceeds -
- (a) in the case of a non-exempted vehicle, the stationary sound level specified in SANS 10281 for that type of vehicle; or
  - (b) in the case of an exempted vehicle, by more than 5 dBA the applicable reference sound level indicated in SANS 10281, for that type of vehicle.
- 8.2 The municipality may in order to determine whether a vehicle being used on any road in the area of jurisdiction of the municipality, including a private, provincial or national road crossing its area of jurisdiction, complies with the provisions of the by-law, instruct the owner or driver of the vehicle –
- (a) to stop the vehicle or cause it to be stopped; and
  - (b) to have any appropriate inspection or test, as the municipality may deem necessary, conducted on the vehicle on the roadside where it was stopped or on a place, date and time determined by the municipality in writing.
- 8.3 The authorised person must, prior to any testing being undertaken inform the driver of the vehicle that -
- (a) the vehicle has been stopped to test it in terms of this by-law for noise nuisance;
  - (b) the vehicle is being detained for the purpose of such testing;
  - (c) if the results of such testing indicates noise nuisance from the vehicle or if the driver concerned fails or refuses to assist with such test, it will constitute an offence under this by-law; and
  - (d) A person who fails to comply with a direction given under this section commits an offence.
- 8.4 An inspection done in terms of subsection (8.2)(b) shall be carried out -
- (a) at or as near as practicable to the place where the direction to stop the vehicle is given; and
  - (b) within 1 hour of the vehicle being stopped in accordance with the direction of the authorised person.
- 8.5 If, after conducting a sound level test, the authorised person is satisfied that the vehicle –
- (a) is not exceeding the permitted sound levels prescribed, then the authorised person must furnish the driver of the vehicle with a certificate (valid for a period of 24 months) indicating that the vehicle is not being driven or used in contravention of this By-law; or
  - (b) is exceeding the permitted sound levels prescribed, the authorized must issue the driver of the vehicle with a repair notice in accordance with subsection (8.6).
- 8.6 A pair notice must –
- (a) direct the owner of the vehicle to repair the vehicle within a specified period of time, and to take the vehicle to a place identified in the notice for re-testing before the expiry of that period; and
  - (b) contain, amongst others, the following information –
    - (i) the make, model and registration number of the vehicle;
    - (ii) the name, address and identity number of the driver of the vehicle; and
    - (iii) if the driver is not the owner, the name and address of the vehicle owner.
- 8.7 A person commits an offence under this section if the person fails -
- (a) to comply with the repair notice;
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(b) to take the vehicle for re-testing;

8.8 It is not a defence in proceedings to aver that the driver of the vehicle failed to bring the repair notice to the attention of the owner of that vehicle.

8.9 The authorised person must issue a notification in terms of section 341 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), where the owner of the vehicle fails -

(a) to comply with a repair notice issued in terms of subsection (8.6); or

(b) to take the vehicle for re-testing.

## **9. MUSIC, OPEN-AIR MUSIC FESTIVALS AND SIMILAR SHOWS AND GATHERINGS**

9.1(a) No person may stage any open-air entertainment festival, such as, but not limited to a show, an air show, music concert, festival, sports event or similar gathering without a prior written consent of the municipality.

(b) If any music causes or may cause a noise nuisance, the municipality may instruct in writing that such music be discontinued until such conditions as the municipality may deem necessary have been complied with.

(c) Subject to the provisions of paragraph (b) and applicable provisions of the any other law, the municipality may attach any instrument and/or equipment used to generate music if no permission has been obtained as required by paragraph (a).

(d) An instrument and/or equipment attached under paragraph (c) shall be kept in safe custody by the municipality.

(e) The municipality may lift the attachment contemplated in paragraph (c) if the owner or person in control of the instrument and/or equipment has applied for permission in terms of paragraph (a).

(f) This section is not applicable to –

(i) churches;

(ii) schools;

(ii) other education facilities; or

(iii) any other defined area or activity to which the Council has declared this section not to apply.

## **10. GENERAL PROHIBITIONS**

10.1 Any person who –

(a) fails to comply with the provisions of this section;

(b) fails to comply with a written condition. instruction or notice issued by the municipality in terms of this section;

(c) tampers with, remove. put out of action, damage or impair the functioning of a noise monitoring system, noise limiter, noise measuring instrument, acoustic device, road traffic sign or notice placed in a position by or on behalf of the municipality;

(d) in respect of a duly authorised person of the municipality -

(i) fails or refuses to grant admission to such official to enter and to inspect the premises;

(ii) fails or refuse to give information which may lawfully be required of him or her to such official;

(iv) hinders or obstruct such official in the execution of his or her duties; or

(v) gives false or misleading information to such official knowing that it is false or misleading, is guilty of an offence.

## **11. POWERS OF AUTHORIZED PERSON**

11.1 An authorised person may –

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- (a) for the purposes of applying this section, at any reasonable time enter premises upon reasonable notice to conduct any appropriate examination, inquiry or inspection thereon as it may deem expedient and to take any steps it may deem necessary;
- (b) if a noise emanating from a premises, vehicle, recreational vehicle or private area is a noise nuisance or disturbing noise, instruct in writing –
- (i) the person causing such noise or who is responsible for the infringement;
  - (ii) the owner, tenant or occupant of such building, premises, vehicle, recreational vehicle or private area from which or from where such noise emanates or may emanate; or
  - (iii) all such persons, to discontinue or cause to be discontinued such noise or to take steps to or apply appropriate remedies to lower the level of such noise to a level conforming to the requirements of this by-law within the period stipulated in the instruction - provided that the provisions of this paragraph do not apply in respect of a disturbing noise or noise nuisance caused by rail vehicles or air traffic or on a public road by vehicles that are not used as recreational vehicles;
- (c) if the noise is caused by an animal, and the owner or person in charge of that animal fails to comply with an instruction referred to in subsection (11.1)(b), subject to the applicable provisions of any other law, impound or cause to be impounded such animal;
- (d) impose such appropriate conditions as it deems fit when granting any permission or exemption, including the specification of times and days when activities that may cause noise are permitted or prohibited;
- (e) subject to the applicable provisions of any other law, place or cause to be placed measuring instruments or similar devices, road traffic signs or notices at any place within the municipality's jurisdiction for the enforcement of the provisions of this bylaw - provided that road traffic signs and notices shall be placed on private property only with the permission of the owner.

## 12. USE OF MEASURING INSTRUMENTS

12.1 Any person taking reading must ensure that –

- (a) the acoustic sensitivity of sound level meters is checked before and after every series of measurements by using a sound calibrator, verified every two years by an accredited calibration laboratory for compliance with the specifications for accuracy of national codes of practice for acoustics, to comply with the Measuring Units and National Measuring Standards act 2006(Act No.18 of 2006)
- (b) the microphone of an integrating impulse sound level meter is at all times provided with a windshield;
- (c) the measuring instruments are operated strictly in accordance with the manufacturer's instructions; and
- (d) sound measuring instruments are checked annually by the South African Bureau of Standards or a calibration laboratory approved by the National Minister of Trade and Industry in order to comply with the appropriate specifications for accuracy.

12.2 The measurement of dBA values in respect of controlled areas, ambient sound levels or noise levels in terms of these bylaws shall be done as follows:

- (a) Outdoor measurements on a piece of land; by placing the microphone of an integrating impulse sound level meter at least 1,2 metres but not more than 1,4 metres above the ground and at least 3,5 metres away from walls, building or other sound reflecting surfaces; and
- (b) indoor measurements in a room or enclosed space, which is not ventilated mechanically; by placing the microphone of an integrating impulse sound level meter at least 1,2 metres, but not more than 1,4 metres above the floor and at least 1,2 metres away from the wall, with all the windows and outer doors of the room or enclosed space entirely open; provided that the windows and doors are closed for indoor measurements in rooms or enclosed spaces which are mechanically ventilated.

12.3 Any deviation from heights and distances referred to in subsection (12.2) shall be reported with the furnishing of reason.

## 13. EXEMPTIONS

13.1 The provisions of this By-law shall not apply, if:

- (a) the emission of sound is for the purposes of warning people of a dangerous situation, or
  - (b) the emission of sound takes place during an emergency.
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- 13.2 Any person may by means of a written application, in which the reasons are given in full, apply to the Municipality for exemption from any provision of these bylaws.
- 13.3 As exemption shall, if approved, be granted by the Municipality in writing, and the conditions under which and the period for which such exemption is granted, shall be stipulated in such exemption.
- 13.4 An exemption shall not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the Municipality under sub-section (13.3); provided that if activities are commenced before such undertaking has been submitted to the Municipality, the exemption shall lapse.
- 13.5 If any condition of exemption is not complied with, the exemption may be withdrawn by the Municipality after notice to show cause against the proposed withdrawal has been given, and the representations, if any, resulting therefrom have been considered.

#### **14. ATTACHMENT**

- 14.1 A vehicle impounded shall be kept in safe custody by the Municipality.
- 14.2 The Municipality may lift the attachment if the owner or person in control of the vehicle concerned has been instructed in writing by an authorised officer of the Municipality:
- (a) to repair or to modify the vehicle concerned or cause it to be repaired or to be modified; and
  - (b) to have such inspection or test as the Municipality may deem necessary conducted on the vehicle on a date and at a time and place mentioned in the instruction.

#### **15. OFFENCES AND PENALTIES**

- 15.1 Any person who:
- (a) wilfully conceals any facts or documents in connection with an application for interment;
  - (b) makes any false statement in his/her written application for interment;
  - (c) contravenes any provision of this By-law or who fails to comply with a notice issued in terms of, or a condition imposed under, or any other provision of ,this By-law,

shall be guilty of an offence and if convicted shall be liable for a fine not exceeding R 3 000, 00 or imprisonment for a period not exceeding three months, or to both such fine and such imprisonment.

#### **16. RESTRICTION OF LIABILITY**

No authorized employee of the municipality shall be liable in respect of anything done in good faith in the exercise of a power or the performance of a duty conferred or imposed in terms of this By-law.

#### **17. CONFLICTING LAWS**

If there is any conflict between a provision in this By-law and a provision of any other by-law of the Municipality, the provisions of this By-law shall prevail to the extent of the inconsistency.

#### **18. REPEAL AND AMENDMENT**

Any by-laws relating to noise control adopted by the Council or any Municipality now comprising part of the City is repealed from the date of promulgation of this By-law.

The Noise Control By-laws of the Mangaung Metropolitan Municipality as promulgated in the Local Government Notice No. 35 of June 2016 are hereby amended

#### **19. SHORT TITLE AND COMMENCEMENT**

This By-law is called **Mangaung, Noise Control By-law** and the amendments effected come into operation on the date of promulgation thereof in the Provincial Gazette.

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[PROVINCIAL NOTICE NO. 40 OF 2019]

**MANGAUNG METROPOLITAN MUNICIPALITY**

**PROMULGATION NOTICE**

**Swimming Pools By-law**

Passed by Council on Tuesday, 05 March 2019  
Under Item 18.1 – 5/03/2019

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the revised set of Swimming Pools By-laws, at the sitting dated 05 March 2019.
- 2) The reviewed Swimming Pools By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

**Adv. Tankiso Mea**  
**City Manager**

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**BY-LAWS RELATING TO SWIMMING POOLS**

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#### CHAPTER 1 INTERPRETATION

##### 1. Definitions

- (1) In these by-laws, unless the context otherwise indicates, an expression to which a meaning has been assigned in the Local Government Ordinance, 1962 (Ordinance No 8 of 1962), the Structures Act and the Systems Act or any other applicable legislation, shall have the meaning so assigned to it, and -

“**child**” means a person who is a scholar or pre-scholar;

“**Council**” means the Council of the Mangaung Metropolitan Municipality or any political structure, political office bearer, councillor or any staff member acting under council’s delegated or sub-delegated power;

“**Municipality/City**” means Mangaung Metropolitan Municipality established by the, Provincial Notice №. 155 of 2016 as published in the Provincial Gazette, Free State Province of 22 July 2016, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**prescribed fees**” means the fees as determined from time to time by the Council by means of resolution;

“**superintendent**” means the official appointed by the Council to supervise and control a public swimming pool or pools, and his delegates;

“**swimming pool**” means a swimming pool, including the appurtenant grounds, buildings and works, that is owned and controlled by the municipality, and made available for public use from time to time;

“**Structures Act**” means the Local Government : Municipal Structures Act, 1998 (Act No 117 of 1998), as amended;

“**Systems Act**” means the Local Government : Municipal Systems Act , 2000 (Act No 32 of 2000) as amended;

- (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 ESTABLISHMENT AND MANAGEMENT OF SWIMMING POOLS

### 2. Establishment of swimming pools

The Council may from time to time set aside and reserve suitable land within the municipality for the establishment of a swimming pool, including the buildings and works, and make it available for public use from time to time.

### 3. Conditions of entry

- (1) No person other than an employee of the Municipality acting in the course of his employment, or another duly authorized person, shall enter or be admitted into a swimming pool otherwise than by an entrance reserved for such purpose, and unless such person has produced to the superintendent an entrance ticket for which the prescribed fees have been paid to the Municipality. An entrance ticket must on request be shown to the superintendent or another authorised official of the Municipality.
- (2) The right of access to a swimming pool is reserved by the Municipality at all times, and the superintendent may prohibit any visitor who is in his opinion undesirable, to enter a swimming pool, and he may order such person to leave the swimming pool.
- (3) The Municipality may in its exclusive discretion, determine a maximum number of users that will be allowed in a swimming pool. Should such a maximum number be reached at a swimming pool, the Municipality may prohibit or obstruct further access to such swimming pool by the installation of barriers at all entrances thereto or other places as are necessary, together with the erection of notices prohibiting access. Any person who fails to adhere to such notice, shall be guilty of an offence.
- (4) On every entrance ticket referred to in sub-section (1) there shall be indicated both the amenities to which it relates and the amount of the prescribed fees paid.
- (5) The superintendent may search the person and belongings of a bather after obtaining his consent beforehand.

### 4. Right to reserve swimming pool

- (1)(a) The Municipality may -
    - (i) on any day or days reserve any swimming pool for the holding of aquatic sports, galas, competitions or other events, and may on any such day or days or any other day reserve the right of admission to such swimming pool and make such special admission charge as it may deem fit, or
    - (ii) either permanently or for such periods as it may deem fit, reserve any swimming pool as a swimming pool to which, subject to the provisions of these by-laws, members of the public shall be admitted free of charge.
  - (b) Notwithstanding the provisions of sub-section 1(a), groups of pupils may be admitted to a swimming pool at times when such swimming pool is closed to the general public, provided the requisite approval has been obtained beforehand by the school or schools concerned.
  - (2) Subject to any provision to the contrary in sub-section (1), these by-laws shall apply in all respects to a swimming pool reserved in terms of sub-section (1) and to persons visiting such swimming pool when so reserved.
  - (3) The superintendent may refuse admission to any person to enter a swimming pool ten minutes or less than ten minutes before the prescribed closing time.
  - (4) The Municipality reserves the right :
    - (a) to reserve the use of any swimming pool on any day for such period as it may deem necessary for any special purpose, and may refuse the use of such swimming pool for any other purpose during the reserved period;
    - (b) to close any swimming pool temporarily for such period or periods during any season as it may deem necessary for purposes of cleaning and repairing. All entrance tickets are issued subject to these reserved rights of the Council;
    - (c) to decide upon the times when a swimming pool shall be open and available for use by the general public;
    - (d) to from time to time and for such periods as may be deemed necessary, prohibit the use of any of its swimming pools if in the opinion of its medical officer of health the condition of the water constitutes a danger to public health.
    - (e) to decide that the swimming pools shall be closed on Sundays, on any public holiday or on any other day.
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**5. Segregation of sexes**

- (1) The periods during which a swimming pool may be reserved for use by men only, by women only or by the two sexes jointly, as the case may be, shall be determined by the Municipality. The said periods shall be made known by the Municipality by means of clearly printed notices exhibited in conspicuous positions at a swimming pool.
- (2) No person of one sex shall be admitted to the premises of a swimming pool during hours when such swimming pool is set aside for the exclusive use of persons of the other sex.
- (3) Separate cubicles, dressing-rooms and places of ablution shall be provided and reserved for each of the two sexes.
- (4) No such separate convenience shall be used by the two sexes simultaneously and no person may enter a convenience set aside for the other sex.

**6. Bailment of articles**

- (1) The Municipality shall not be liable to any person visiting the swimming pool for the loss of any article by theft or otherwise, or for damage to any article however caused, unless such person has deposited such article with the superintendent for bailment in accordance with the provisions of this by-laws, and has complied with all the provisions hereof relating to the article so deposited.
  - (2) An article shall be deposited properly by a bailor for bailment in accordance with the provisions of this by-laws by:
    - (a) delivering such article to the superintendent at a swimming pool;
    - (b) providing the value of the article to the superintendent, who must write the value so provided above his signature on a ticket to be handed to the bailor. No article with a value that according to the bailor exceeds R5 000, shall be made or accepted ;
    - (c) paying the prescribed fees for the bailment of the article;
    - (d) receiving and safekeeping a ticket issued by the superintendent in respect of the bailment of such article;
  - (3) No article deposited with the superintendent shall be returned to the bailor unless he has surrendered to the superintendent the ticket issued in respect of the bailment of such article : Provided that such article may be delivered without the surrender of the said ticket :
    - (a) to a person who satisfies the superintendent that the article is his or that he is entitled to receive it; and
    - (b) who signs a document indemnifying the Municipality against any claim whatsoever by any person relating to or resulting from the loss of such article; and
    - (c) in addition thereto, if required by the superintendent to do so, furnishes him with such security as the superintendent may deem adequate.
  - (4) The bailor of any article shall, if required by the superintendent to do so, expose the contents thereof in order that the superintendent may satisfy himself in regard to the value so declared.
  - (5) The superintendent shall require from the bailor of an article which has been opened in terms of sub-section (4) to close such article completely before the bailment thereof is accepted.
  - (6) If the superintendent is of the opinion that the value provided for any article deposited with him is too high, he shall be entitled either to determine its value at such lower figure as is in his opinion appropriate or, in the event that no figure can be agreed upon between him and the bailor, to refuse to accept the bailment of such article.
  - (7) The superintendent may if he deems it fit, require that an article be sealed by the bailor in his presence and in such case, no claim in respect of any loss of the contents of such package shall be entertained by the Municipality after it has been returned to the bailor with the seal still intact.
  - (8) In the event of the loss of or damage to any article properly deposited with the superintendent for bailment :
    - (a) the bailor must submit a written claim setting out full particulars regarding the lost or damaged article, together with the ticket issued for the bailment thereof with the superintendent at the swimming pool concerned;
    - (b) the Municipality shall submit the claim so received to its insurers for consideration, and will inform the bailor as soon as possible of the outcome thereof.
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**CHAPTER 3**  
**GENERAL CONDUCT IN A SWIMMING POOL****7. Invasion of privacy**

No person shall enter any occupied cubicle, dressing room or other apartment at a swimming pool, or otherwise invade the privacy of any person.

**8. Articles in pool**

No person shall bring into a swimming pool and use any motor vehicle inner-tube, floating mattress, canoe or other similar object. Any such object shall be removed from a swimming pool by order of the superintendent.

**9. Wash before swim**

Every person shall, before entering a swimming pool for the first time, pass on bare feet through a foot bath, if the swimming pool is provided with a foot bath, and shall in addition, if directed by the superintendent to do so, wash himself thoroughly under a shower provided by the Municipality.

**10. Bathing costume**

- (1) No person shall, except as provided for in sub-section (3), appear in a swimming pool premises unless he wears a bathing costume consistent with and in accordance with general acceptable public decency.
- (2) A person allowing himself to be seen in a swimming pool in a bathing costume that does not conform to the requirements of sub-section (1) may be directed by the superintendent either to wear an appropriate bathing costume or to dress in his ordinary clothing.
- (3) No person shall, except in a part of the swimming pool reserved for persons of his own sex, appear naked or insufficiently clothed outside any place reserved for dressing or undressing or for ablutions : Provided that no person shall sunbathe or loiter in such reserved place.

**11. Occupation of cubicles**

- (1) No person shall occupy a cubicle for longer than is reasonably necessary to change into a bathing costume, and every person who has so changed shall forthwith deposit his ordinary clothes and other belongings with the superintendent in accordance with the provisions of section 6 if he so wishes.
- (2) A person who has re-claimed his ordinary clothes in accordance with the provisions of section 6 shall, if he occupies a cubicle or dressing-room for the purpose of dressing into his ordinary clothes, occupy it for no longer than is reasonably needed for such purpose.

**12. Custody of clothes and valuables**

The safe keeping of clothes, jewellery and other valuables is the exclusive responsibility and risk of each user of a swimming pool.

**13. Improper or dangerous conduct**

- (1) No person :
    - (a) shall spit or commit a nuisance or, subject to the provisions of section 10(3), excessively or immodestly expose his body or any part of it, or behave in an indecent, noisy or offensive manner or use obscene or offensive language or interfere in any way with the use of a swimming pool by any other person;
    - (b) shall, whether from a diving board or platform or from the side of a swimming pool, dive or jump into or otherwise enter such swimming pool unless sufficient space in the swimming pool is available for such dive, jump or other entry to be made in safety;
    - (c) shall dive or jump into or otherwise enter a swimming pool in such a manner as to cause or be likely to cause injury or alarm to other bathers;
    - (d) shall in any part of a swimming pool play any ball or other game in a dangerous manner or otherwise so conduct himself as to endanger other persons or interfere with their enjoyment of such swimming pool;
    - (e) shall wilfully damage or destroy any part of swimming pool, or any of the furniture, fixtures or fittings or appliances contained thereon or therein, or any swimming costume, swimming trunks, towel or other article supplied by the Municipality for use on or in the swimming pool;
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- (f) shall in any way tamper or interfere with the action or function of any lock, cock, tap, valve, pipe or other appliance or any machinery in a swimming pool;
- (g) shall at any time while in a swimming pool, use any indecent, offensive or defamatory language or behave in an indecent, offensive or improper manner. Any such person may be removed from the swimming pool by a member of the South African Police Services or superintendent or Municipal Law Enforcement Unit and shall, on being requested to do so, furnish his name and address;
- (h) that is consuming alcohol or is under the influence of alcohol, shall be allowed in a swimming pool. The superintendent may instruct a person in a swimming pool who is consuming alcohol or is under the influence of alcohol, to leave the swimming pool forthwith and if he refuses to leave, the superintendent may obtain the assistance of the South African Police Services or Municipal Law Enforcement Unit. No alcohol is allowed in a swimming pool;
- (i) shall introduce or require or permit any other person to introduce into a swimming pool any beverage in a bottle or other container made of glass: Provided that this sub-section shall not apply to an infant's feeding bottle introduced for the purpose of feeding an infant, or to glass bottles or other glass containers introduced by the lessee or other person in control of an kiosk or refreshment room the possession of which shall be retained by the lessee of such kiosk or room.
- (2) A person shall, if so requested by the superintendent, leave the swimming pool forthwith.

#### **14. Advertising**

No advertisement, poster or notice may be affixed or displayed in a swimming pool unless the prior written permission of the Municipality has been obtained.

#### **15. Leased articles**

Every swimming costume, pair of swimming trunks, towel, or other article supplied by the Municipality, shall be returned by the lessee immediately after it has been used.

#### **16. Animals**

No animal shall be introduced or admitted into a swimming pool.

#### **17. Pollution**

No unauthorised person shall foul or in any way pollute a swimming pool, or introduce any soap or other foreign substance into a swimming pool.

#### **18. Infectious diseases**

- (1) No person who is in quarantine for or who is to his knowledge suffering from, or is a carrier of any cutaneous, infectious or contagious disease shall enter or seek admission to any swimming pool.
- (2) No person shall cause, permit or suffer any person under his control to enter or seek admission to any swimming pool if the latter person is to the knowledge of the former person suffering from or is a carrier of any cutaneous, infectious or contagious disease.

### **CHAPTER 4 MISCELLANEOUS**

#### **19. Injuries and damages**

- (1) A person using a swimming pool or any diving board or other appliance, facility or apparatus in a swimming pool, do it at his own risk, and the Municipality accepts no liability whatsoever for any personal injuries sustained by such person or, subject to the provisions of section 6, for any loss of or damage to such person's property relating to or resulting from the aforementioned usage of the swimming pool.
- (2) A person using a swimming pool or any diving board or other appliance, facility or apparatus in a swimming pool, accepts full responsibility for any incident, damages, injuries or death that may be caused by or that may result from the aforementioned use of the swimming pool and by the purchasing of an entrance ticket, he indemnifies the Municipality, its members, employees or agents, whether in personal or official capacity, against liability for all claims from whichever nature by himself, his dependants or third parties in respect of any patrimonial loss, consequential damages, injuries or personal prejudice that may be suffered or sustained in connection with or resulting from such a person's use of the swimming pool.
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**20. Fire-arms and traditional weapons**

No fire-arms and traditional weapons shall be allowed in a swimming pool.

**21. Offences and penalties**

- (1) Any person contravening or failing to comply with any of the provisions of these by-laws shall be guilty of an offence and shall upon conviction by a court be liable to a fine not exceeding R 60 000, or imprisonment for a period not exceeding three years or both a fine as well as period of imprisonment, or such other fine or period of imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of section 92 of the Magistrate's Courts Act, 1944 (Act No 32 of 1944).
- (2) Any expense incurred by the Municipality as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Municipality from the person who committed the contravention or who failed to do such thing.

**22. Repeal and Amendment**

- (1) Any by-laws relating to municipal swimming pools adopted by the Council or any Municipality now comprising part of the City is repealed from the date of promulgation of this By-law.
- (2) The by-laws relating to the Municipal Swimming Pools, as promulgated in the Local Government Notice No. 98 of 27 September 2002 and the Local Government Notice No. 34 of June 2016, are hereby further amended.

**23. Short title and commencement**

This by-law is called the **Municipal, Swimming Pools By-law** and the amendments effected come into operation on the date of publication in the *Provincial Gazette*.

[PROVINCIAL NOTICE NO. 41 OF 2019]

**MANGAUNG METROPOLITAN MUNICIPALITY**

**PROMULGATION NOTICE**

**Municipal Public Streets By-law**

Passed by Council on Tuesday, 05 March 2019  
Under Item 18.1 – 5/03/2019

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act No 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the revised set of Municipal Public Streets By-laws, at the sitting dated 05 March 2019.
- 2) The reviewed Municipal Public Streets By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

**Adv. Tankiso Mea**  
**City Manager**

**BY-LAWS RELATING TO MUNICIPAL PUBLIC STREETS**

**1. PURPOSE**

To provide for the regulation and control of the cleaning and maintaining public streets and public places, and matters incidental thereto.

**2. DEFINITIONS**

In this by-law, unless the context indicates otherwise –

**"animals"** means any horses, mules, donkeys, cattle, pigs, sheep, goats, ostriches indigenous mammals and other wild animals;

**"caravan"** means any vehicle permanently fitted out for use by persons for living and sleeping purposes, whether or not such vehicle is a trailer;

**"Council"** means the Council of the City or of Mangaung Metropolitan Municipality or any political structure, political office bearer, councillor or any staff member acting under council's delegated or sub-delegated power;

**"Municipality/City"** means Mangaung Metropolitan Municipality established by the Provincial Notice №. 155 of 2016 as published in the Provincial Gazette, Free State Province of 22 July 2016, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

**"municipal area"** means the area of jurisdiction of Mangaung Metropolitan Municipality as determined in terms of the Municipal Demarcation Act 1998 (Act No. 27 of 1998);

**"Municipal Manager/City Manager"** means the person appointed by the Council of the City as Municipal Manager and shall include any person acting in that position or to whom authority is delegated.

**"motor vehicle"** means any self-propelled vehicle and includes-

- (a) a trailer,
- (b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor, but does not include-
  - (i) any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or
  - (ii) any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person;

**"park"** means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is reasonably necessary for the actual loading or unloading of persons or goods, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the person in charge of such vehicle;

**"public place"** means any square, park, recreation ground, sports ground, sanitary lane or open space which has -

- (a) in connection with any subdivision or layout of land into erven, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, whether or not it is shown on a general plan, plan of subdivision or diagram;
- (b) at any time been dedicated to the public;
- (c) been used by the public without interruption for a period of at least thirty years, or
- (d) at any time been declared or rendered such by the municipality or other competent authority;

**"public street"** means-

- (a) any street which has at any time been-
  - (i) dedicated to the public;
  - (ii) used without interruption by the public for a period of at least thirty years;
  - (iii) declared or rendered such by the municipality or other competent authority, or
  - (iv) constructed by a local authority, and
- (b) any land, with or without buildings or structures thereon, which is shown as a street on-
  - (i) any plan of subdivision or diagram approved by the municipality or other competent authority and acted upon, or
  - (ii) any general plan as defined in the Land Survey Act, 1927, registered or filed in a deeds registry or Surveyor General's office; unless such land is on such plan or diagram described as a private street;

**"semi-trailer"** means a trailer having no front axel and so designed that at least 15% of its tare is super-imposed on and borne by a vehicle drawing such trailer;

**"sidewalk"** means that portion of a street between the outer boundary of the roadway and the boundary lines of adjacent properties or buildings which is intended for the use of pedestrians;

**"street"** means any road, street or thoroughfare or any other place which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access and except where in-consistent with the context includes -

- (a) the verge of any such road, street or thoroughfare
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (d) any other object belonging to such road, street or thoroughfare.

**"tare"**, in relation to a motor vehicle, means the mass of such a vehicle ready to travel on a road and includes the mass of-

- (a) any spare wheel and of all other accessories and equipment supplied by the manufacturer as standard for the particular model of motor vehicle concerned;
- (b) anything which is a permanent part of the structure of such vehicle;
- (c) anything attached to such vehicle so as to form a structural alteration of a permanent structure; and
- (d) the accumulators, if such vehicle is self-propelled by electrical power, but does not include the mass of -
  - (i) fuel, and
  - (ii) anything attached to such vehicle which is not of the nature referred to in paragraph (b) or (c);

**"trailer"** means a vehicle which is not self-propelled and designed or adapted to be drawn by a motor vehicle, but does not include a side-car fitted to a motor cycle;

**"vehicle"** means a device designed or adapted mainly to travel on wheels or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged other than such a device which moves solely on rails; and

**"work"** means work of any nature whatsoever undertaken on any land within the area of jurisdiction of the Municipality and, without in any way limiting the ordinary meaning of the word, includes the erection of a new building or alterations or additions to any existing building, the laying of cables and pipes, the dumping of building or other material anywhere in the street, or delivery to or removal from any site of any soil or material of any nature whatsoever.

### 3. STREETS, SIDEWALKS AND ENCROACHMENTS ON STREETS

3.1 No person must –

- (a) make, construct, reconstruct, or alter a street or sidewalk in a street –
  - (i) except with the written permission of the Municipality,
  - (ii) otherwise than in accordance with the requirements prescribed by the Municipality, or
- (b) construct a veranda, stoep, steps or other projection or erect a post in a street except with the written permission of the Municipality.

### 4. ADVERTISEMENTS VISIBLE FROM STREETS

4.1 No person must display any advertisement, placard, poster or bill in a street –

- (a) except with the written permission of the Municipality, and
- (b) otherwise than in accordance with such conditions as may be determined by the Municipality.

4.2 This section is not applicable to signs which have been exempted under the provisions of the Municipality's by-law relating to Outdoor Advertising.

### 5. ANIMALS OR OBJECTS CAUSING AN OBSTRUCTION

5.1 No person must –

- (a) deposit or leave any goods or articles in a street, other than for a reasonable period during the course of the loading, offloading or removal thereof;
- (b) in any way obstruct the pedestrian traffic on a sidewalk by bringing or allowing to be brought thereon any animal, object or vehicle (other than a perambulator or wheelchair which is being used for the conveyance of children or the disabled); or
- (c) cause or allow any blind, awning, cord or other object to project or to be stretched over or onto a street -
  - (i) except with the written permission of the municipality, or
  - (ii) otherwise than in accordance with such conditions as may be determined by the municipality.

**6. TREES IN STREETS**

6.1 No person must –

- (a) plant a tree or shrub in a street, or in any way cut down a tree or a shrub in a street or remove it there from, except with the written permission of the municipality;
- (b) climb, break or damage a tree growing in a street; or
- (c) in any way mark or paint any tree growing in a street or attach any advertisement thereto.

6.2 Any tree or shrub planted in a street becomes the property of the municipality.

**7. TREES OR GROWTH CAUSING AN INTERFERENCE OR OBSTRUCTION**

7.1 Whenever there is upon any property any tree or other growth which interferes with overhead wires or is a source of annoyance, danger or inconvenience to persons using a street, the municipality may by notice in writing order the owner or occupier of such property to prune or remove such tree or growth to the extent and within the period specified in such notice.

7.2 Any person failing to comply with a notice issued in terms of subsection (7.1) is guilty of an offence.

7.3 If any person fails to comply with a notice in terms of this section, the municipality may itself prune or remove the tree or growth at the expense of the person on whom the notice was served.

**8. REFUSE, MOTOR VEHICLE WRECKS, WASTE MATERIAL**

8.1 No person must –

- (a) dump, leave or accumulate any garden refuse, motor vehicle wrecks, spare parts of vehicles, building or waste materials, rubbish or any other waste products in any street or public place; or
- (b) permit any such objects or substances to be dumped or placed in a street or public place from premises owned or occupied by him or her, except with the written permission of the municipality and otherwise than in accordance with such conditions as may be determined by the municipality.

**9. PROHIBITION UPON CERTAIN ACTIVITIES IN CONNECTION WITH OBJECTS IN STREETS**

9.1 No person must, in a street –

- (a) effect any repairs or service to a vehicle, except where necessary for the purpose of removing such vehicle from the place where it was involved in an accident, or
- (b) clean or wash a vehicle.

**10. PROHIBITION UPON GAMES AND OTHER ACTS IN STREETS**

10.1 No person must –

- (a) roll a hoop, fly a kite, shoot with a bow and arrow or catapult, discharge fireworks or throw a stone, stick or other projectile in, onto or across a street; or
- (b) do anything in a street which may endanger the life or safety of any person, animal or thing or may be a nuisance, obstruction or annoyance to the public unless such street is provided with clear signs and identifiable paving and equipment which distinguishes it as residential erf or street park.

**11. USE OF EXPLOSIVES**

11.1 No person must in or upon a street use explosives or undertake blasting operations –

- (a) except with the written permission of the municipality; and
  - (b) otherwise than in accordance with such conditions as may be determined by the municipality.
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**12. CONVEYANCE OF ANIMAL CARCASSES OR OTHER WASTE PRODUCTS THROUGH STREETS**

- 12.1 No person must carry or convey through a street the carcass of an animal or any garbage, night soil, refuse, litter, rubbish, manure, gravel or sand –
- (a) unless it is properly covered; and
  - (b) unless it is conveyed in such type of container as will not allow any offensive liquids or parts of the load to be spilt in the street.

**13. FENCES ON STREET BOUNDARIES**

No person must erect a barbed-wire fence or other dangerous fence on the boundary of a street except with the written permission of the municipality.

**14. BUILDING MATERIALS IN STREETS**

No person must bore or cut stone or bricks, slake or sift lime, or mix building materials, or store or place building materials in a street except with the written permission of the municipality, and then only in accordance with the requirements prescribed by the municipality.

**15. BALCONIES AND VERANDAS**

- 15.1 No person must, except with the written permission of the municipality-
- (a) use a balcony or veranda erected beyond the boundary line of a street for purposes of trading or the storage of goods, or for the washing or drying of clothes thereon; or
  - (b) enclose or partition a balcony or veranda erected beyond the boundary line of a street or portion thereof as a living or bedroom.

**16. DRYING OF WASHING ON FENCES ON BOUNDARIES OF STREETS**

No person must dry or spread washing on a fence on the boundary of a street.

**17. OUTSPANNING IN STREETS**

No person must outspan or allow to be outspanned in any street any vehicle drawn by animals, or detach or leave in any street any trailer, caravan or vehicle which is not self-propelled: Provided that this provision does not apply to the actual loading or unloading of such vehicle.

**18. PROTECTION OF STREETS SURFACE**

- 18.1 No person must-
- (a) use a vehicle or allow it to be used in any street if such vehicle is in such a defective condition that it will or may-cause damage to any street;
  - (b) drive, push, roll, pull or propel any object, machine or other material through or along a street in such a way, or while such object, machine or material is in such a condition, as may damage, break or destroy the surface of the street in any way;
  - (c) undertake any work which may cause the surface of any street to be altered, damaged or broken without the permission of the municipality.
- 18.2 If the municipality identifies a person who, as a result of the actions referred to in subsection (1), has damaged, broken or destroyed the surface of a street, the cost of repairs, as determined by the municipality, may be recovered from the offender.
- 18.3 Any person who is the owner of land on which any work is done is liable for any damage to any portion of a street caused by or in connection with the execution of such work by such owner, his or her employee or any independent contractor acting on behalf of such owner.
- 18.4 When any work which has to be undertaken on any land entails the driving of vehicles over kerbs, sidewalks or road verges, the owner of such land must not commence, or allow any other person to commence, any such work unless and until such a person has deposited with the municipality an amount sufficient to cover the cost of repairing any damage which may be caused to any portion of such street as a result of, or in connection with, the execution of such work by such owner, his or her employee or any independent contractor acting on behalf of such owner.
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18.5 After completion of such work, the municipality must itself undertake the repair of any portion of such street as may have been damaged by such work and must set off the cost of such repairs against such deposit. If such cost is less than the amount of the deposit, the municipality must refund the balance to the depositor, but if the amount of the deposit does not cover such cost, the owner is liable for the difference, which must become payable on receipt of an account specifying the additional amount due.

18.6 No person other than an authorised official of the municipality in the performance of his or her duties may apply, mark, paint or draw lines, marks, words, signs or advertisements on the surface of a street

## 19. DAMAGING OF NOTICE-BOARDS

No person must deface, damage or in any way interfere with any notice-board, road traffic sign, street-name board or other similar sign or any hoarding which has been erected in a street by or with the permission of the municipality.

## 20. STREET AND DOOR-TO-DOOR COLLECTIONS

20.1 No person must –

- (a) collect or attempt to collect money in a street or organise or in any way assist in the organisation of such collection, except with the written permission of the municipality and otherwise than in accordance with such conditions as may be determined by the municipality; or
- (b) collect from door to door, beg or solicit or accept alms, except with the written permission of the municipality.

## 21. EXCAVATIONS IN STREETS

21. No person must make or cause to be made an excavation or dig or cause to be dug a pit, trench or hole in a street –

- (a) except with the written permission of the municipality; and
- (b) otherwise than in accordance with the requirements prescribed by the municipality.

## 22. POISON IN STREETS

No person other than an official of the municipality or an authorised person who administers legally approved weed-killers or poisons, must use, set or cast poison in any street.

## 23. PROCESSIONS

23.1 Subject to the provisions of sub-section (23.6) no person must hold, organise, initiate, control or actively participate in a procession or gathering in a street, or dance or sing or play a musical instrument, or do anything which is likely to cause a gathering of persons or the disruption or obstruction of traffic in such street, or must use any loudspeaker or other device for the reproduction or amplification of sound without the written permission of the municipality in terms of subsections (23.2) and (23.3).

23.2 Any person who intends to perform or carry out any one or more of the actions described in subsection (23.1) in any street must submit a written application for permission thereto, which must reach the municipality at least seven days before the date upon which any one or more of such actions is or are intended to be performed or carried out. Provided that persons who intend participating actively in a procession, or gathering in any street need not apply to the municipality for permission thereto and it is not illegal for such persons to participate actively in such procession or gathering if the organiser, promoter or controller thereof has obtained the permission of the municipality. An application made in terms hereof must contain the following –

- (a) full details of the name, address and occupation of the applicant;
- (b) full details of the street where or route along which any one or more of the actions prescribed in subsection (23.1) is or are intended to be performed or carried out, proposed starting and finishing times or any one or more of the aforesaid actions and, in the case of processions and gatherings, the number of persons expected to attend, and
- (c) general details of the purpose of any one or more of the aforesaid actions intended to be performed or carried out.

23.3 Any application submitted in accordance with subsection (23.2) must be considered by the municipality, and if any one or more of the actions to be performed or carried out as proposed in such application is or are not, in the opinion of the municipality, likely to be in conflict with the interests of public peace, good order or safety, the municipality must issue a certificate granting permission and authorisation for the performance or carrying out of any one or more of such actions subject to such conditions as the municipality may deem necessary to uphold public peace, good order or safety.

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- 23.4 The municipality may refuse to grant permission for the performance or carrying out of any one or more of the actions described in subsection (23.1), if the performance or carrying out of such action or actions will, in the opinion of the municipality, be in conflict with the interests of public peace, good order or safety.
- 23.5 The municipality may withdraw any permission granted in terms of subsection (23.3), if, as a result of further information, it is of the opinion that the performance or carrying out of the action or action in question will be in conflict with the interests of public peace, good order or safety.
- 23.6 The provisions of this section do not apply –
- (a) to wedding or funeral processions, or
  - (b) to a gathering or demonstration as contemplated by the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993) in which case the provisions of the said Act is applicable.

#### **24. ROLLER-SKATING AND SKATING ON SKATE -BOARD-**

No person must, except with the prior written permission of the municipality, skate on roller skates or a skate board or a similar device in or on a public road, place, street or in or upon an area where skating is prohibited by an applicable road traffic sign.

#### **25. PERSONS TO BE DECENTLY CLAD**

No person must appear in any street without being clothed in such a manner as decency demands.

#### **26. OVERFLOW OF WATER INTO STREETS**

No person must cause or allow any water other than rain water to flow into a street except in the case of emergency.

#### **27. BEHAVIOUR IN STREETS**

27.1 No person must –

- (a) cause a nuisance to other persons by loitering, standing, sitting, laying or begging;
  - (b) sleep overnight or erect any shelter,
  - (c) wash or dry clothes, blankets or any other domestic articles;
  - (d) use abusive, insulting, obscene, threatening or blasphemous language;
  - (e) fight or act in a riotous manner;
  - (f) discharge a fire-arm, airgun or air-pistol;
  - (g) annoy or inconvenience any other person by yelling, shouting or making any noise in any manner whatsoever;
  - (h) defecate, urinate or wash himself or herself;
  - (i) solicit or importune any person for the purpose of prostitution or immorality;
  - (j) engage in gambling;
  - (k) use intoxicating liquor or drugs;
  - (l) use bows or arrows;
  - (m) make fire, in particular open fires;
  - (n) spit in a street.
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**28. ANIMALS IN A STREET**

28.1 No owner or person-

- (a) in charge of any wild or ferocious animal, monkey or horned cattle must allow such animals at any time to be insufficiently attended or at large in any street or keep any such animal in such a manner as to be a danger or annoyance to the public; or
- (b) allow, permit or cause any animal to graze or stray in or about any street.

**29. DISPLAY OF STREET NUMBER OF PLACES**

29.1 The municipality may prescribe by notice in writing to the owner of any premises that a number allocated to such premises by the municipality in terms of section 37(c) must be displayed and the owner of such premises must, within 30 days of the date of such notice, display the allocated number on the premises.

29.2 a number displayed as contemplated by sub-section (29.1) must –

- (a) be displayed in a conspicuous position on the premises and must at all times be visible and legible from the adjacent street; and
- (b) be replaced by the owner of the premises as often as it gets obliterated, defaced or illegible.

**30. BRIDGES AND CROSSING OVER GUTTERS AND SIDEWALKS**

30.1 No private crossing, pathway, bridge or culvert must be made or built to or in front of any dwelling or other premises in any street or public place-

- (a) except with the written permission of the municipality; and
- (b) otherwise than in accordance with the requirements prescribed by the municipality.

**31. CONTROL OF AMUSEMENT SHOWS AND DEVICES**

31.1 No person must set up or use in any street or public place any circus, whirligig, roundabout or other side-show or device for the amusement or recreation of the public –

- (a) except with the written permission of the municipality;
- (b) otherwise than in accordance with such conditions as may be determined by the municipality;
- (c) unless suitable sanitary conveniences for both sexes of the staff have been provided; and
- (d) if it is in any way dangerous or unsafe for public use.

31.2 An authorised official of the municipality must, for the purposes of inspection, at all reasonable times have free access to such circus, whirligig, roundabout or other sideshow or device.

**32. CONTROL OF ANIMAL-DRAWN VEHICLES**

32.1 No person must –

- (a) simultaneously drive or be in control of more than one animal-drawn vehicle in a street;
- (b) drive or be in control of an animal-drawn vehicle in a street if he or she is under 16 years of age; or
- (c) if he or she is in control of an animal-drawn vehicle in a street, allow a person under 16 years of age to drive or be in control of such vehicle.

**33. VEHICLES TO BE ATTENDED**

No person must, in a street, sleep in a vehicle other than a motor vehicle parked at a taxi rank or on some other stand duly allocated by the municipality.

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**34. MUNICIPALITY MAY ACT AND RECOVER COSTS**

34.1 Notwithstanding any other provisions of this by-law, the municipality may –

- (a) where the permission of the municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained; and
- (b) where any provision of this by-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance, serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the municipality may require to rectify such contravention within the period stated in such notice.

34.2 Any person who fails to comply with a notice in terms of subsection (34.1) must be guilty of an offence, and the municipality may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

**35. CLOSURE AND DIVERSIONS OF STREETS**

No person must, without the approval of the municipality, close or barricade any street or restrict access thereto.

**36. CLOSURE AND DIVERSION OF STREETS BY MUNICIPALITY**

36.1 The municipality may close or divert any public street or part thereof;

36.2 When the municipality decides to act in terms of subsection (36.1), it must give notice of such intention in terms of its communication policy;

36.3 Any objection against the intended action must be delivered in writing to the Municipal Manager within 30(Thirty) days from the date of notification in terms of subsection (36.2) for submission to Council or a committee or person who has delegated powers to decide upon it.

**37. TEMPORARY CLOSURE OF PUBLIC STREET**

37.1 The municipality may, without complying with the provisions of section (36.1) temporarily close a public street –

- (a) for the purpose of or pending the construction, reconstruction, maintenance or repair of such street;
- (b) for the purpose of or pending the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under such street
- (c) if such street is, in the opinion of the municipality, in a state dangerous to traffic;
- (d) by reason of any emergency or public event which, in the opinion of the municipality, requires special measures for the control of traffic or special provision for the accommodation of crowds; or
- (e) for any other reason which, in the opinion of the municipality, renders the temporary closing of such street necessary.

37.2 The municipality may temporarily divert a public street which has been closed in terms of section (37.1).

**38. CONSTRUCTION, MAINTENANCE AND NAMING AND RENAMING OF STREETS AND PUBLIC PLACES**

38.1 The municipality may in its area-

- (a) make, construct, reconstruct, alter and maintain streets and public places;
- (b) name and re-name streets and public places;
- (c) allocate and re-allocate numbers to properties abutting on streets and public places.

**39. DECLARATION OF PUBLIC STREETS AND PUBLIC PLACES**

39.1 The municipality may declare any street or portion thereof to be a public street or any place to be a public place;

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39.2 When the municipality decides to act in terms of subsection (39.1), it must give notice of such intention in terms of its communication policy;

39.3 Any objection against the intended action must be delivered in writing to the Municipal Manager within 30(Thirty) days from the date of notification in terms of subsection (39.2) for submission to Council or a committee or person who has delegated powers to decide upon it.

#### **40. PARKING OF HEAVY VEHICLES AND CARAVANS**

40.1 No person must park on a public road within the municipal area;

- (a) a motor vehicle with a tare exceeding 3500 kg;
- (b) a trailer;
- (c) a semi-trailer; or
- (d) a caravan,

for an uninterrupted period exceeding two hours.

40.2 Whenever a vehicle is parked in contravention of sub section (40.1), it is deemed that such vehicle has been parked by the owner thereof unless the contrary is proved.

#### **41. PENALTIES**

41.1 Any person who contravenes or fails to comply with any provision of this by-law is guilty of an offence and liable upon conviction to-

- (a) a fine, not exceeding three thousand rand (R3 000, 00) or imprisonment not exceeding three (3) months, or both such fine and such imprisonment;
- (b) in the case of a continuing offence, to an additional fine, not exceeding one thousand five hundred rand (R1 500, 00) or an additional period of imprisonment not exceeding one (1) month 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 the municipality as result of such contravention or failure.

#### **42. CONFLICTING LAWS**

If there is any conflict between a provision in this By-law and a provision of any other by-law of the Municipality, the provisions of this By-law prevail.

#### **43. REPEAL AND AMENDMENT**

Any by-laws relating to public streets adopted by any municipality now comprising part of the Municipality are hereby repealed from the date of promulgation of this by-law.

The by-laws relating to Public Streets as promulgated in the Local Government Notice No. 35 of June 2016, are hereby amended.

#### **44. SHORT TITLE AND COMMENCEMENT**

This By-law is called **Mangaung, Municipal Public Streets By-law** and the amendments effected come into operation on the date of promulgation thereof in the Provincial Gazette.

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[PROVINCIAL NOTICE NO. 42 OF 2019]

**MANGAUNG METROPOLITAN MUNICIPALITY**

**PROMULGATION NOTICE**

**Municipal Cemeteries By-law**

Passed by Council on Tuesday, 05 March 2019

Under Item 18.1 – 5/03/2019

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the revised set of Municipal Cemeteries By-laws, at the sitting dated 05 March 2019.
- 2) The reviewed Municipal Cemeteries By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

**Adv. Tankiso Mea**  
**City Manager**

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**BY-LAWS RELATING TO MUNICIPAL CEMETERIES**

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#### CHAPTER 1 INTERPRETATION

##### 1. Definitions

- (1) In these by-laws, unless the context otherwise indicates, an expression to which a meaning has been assigned in the Local Government Ordinance, 1962 (Ordinance No 8 of 1962), the Structures Act and the Systems Act or any other applicable legislation, shall have the meaning so assigned to it, and -

**"adult"** (where the word is used to describe a corpse) means a corpse buried in a coffin that will fit into a grave for adults as contemplated in section 14;

**"ashes"** means the remains of a corpse after it has been cremated;

**"burial"** means burial in earth or any other method of disposal of a corpse, ashes or a cadaver in the manner provided for in these by-laws;

**"burial order"** means an order issued in terms of the provisions of the Births and Deaths Registration Act, 1992 (Act No 51 of 1992) authorizing a burial;

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“**caretaker**” means the official appointed by the municipality to supervise and control a cemetery or cemeteries, and his delegates;

“**cemetery**” means land or part thereof, including the buildings and works thereon, that is owned and controlled by the municipality, duly set aside and reserved for the purpose of burials and made available for public use from time to time for burials;

“**child**” (where the word is used to describe a corpse) means a corpse of a person that has not yet reached the age of ten years, that is being buried in a coffin that fits into a grave for a child as contemplated in section 14;

“**columbarium**” means a memorial wall or a wall of remembrance provided by the Council for the burial of ashes;

“**corpse**” means any dead human body including the body of a stillborn child;

“**Council**” means the Council of the Mangaung Metropolitan Municipality or any political structure, political office bearer, councillor or any staff member acting under council’s delegated or sub-delegated power;

“**grave**” means a piece of land in a cemetery laid out, prepared and used for a burial;

“**holder**” means a person to whom a reservation certificate for a specific grave has been issued in terms of the by-laws repealed in terms of section 24;

“**memorial work**” means any headstone, monument, inscription or other similar work or portion thereof erected or intended to be erected upon a grave or a columbarium;

“**Municipality/City**” means Mangaung Metropolitan Municipality established by the Provincial Notice №. 155 of 2016 as published in the Provincial Gazette, Free State Province of 22 July 2016, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**niche**” means the cavity in a columbarium provided for the burial of ashes;

“**plaque**” means a tablet erected on the columbarium for identification purposes;

“**prescribed fees**” means the fees as determined from time to time by the Council by means of resolution;

“**resident**” means a person who at the time of his death, was ordinarily resident within the municipality or under law liable for the payment of assessment rates, rent, service charges or levies to the municipality;

“**responsible person**” means the nearest surviving relative of the deceased person or a person authorised by such relative, or if the caretaker is satisfied that such person does not exist or that the signature of such relative or authorised person cannot be obtained timeously for the purpose of completing the necessary application forms, another person who satisfies the caretaker as to his identity, interest in the burial, capacity to pay the prescribed fees and to comply with the applicable provisions of these by-laws;

“**still-born**” in relation to a child, means that it had at least 26 weeks of intra-uterine existence but showed no sign of life after complete birth, and ‘**still-birth**’ in relation to a child, has a corresponding meaning;

“**Structures Act**” means the Local Government : Municipal Structures Act, 1998 (Act No 117 of 1998), as amended;

“**Systems Act**” means the Local Government : Municipal Systems Act , 2000 (Act No 32 of 2000), as amended;

- (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 ESTABLISHMENT AND MANAGEMENT OF CEMETERIES

### 2. Establishment of cemeteries

- (1) The Council may from time to time set aside and reserve suitable municipal land within the municipality for the establishment and management of a cemetery. The Council may consider and approve an application for the establishment and maintaining of a private cemetery or a private columbarium on private land on the conditions that the Council may deem necessary.



- (2) The following cemeteries have been established by the Council, and are currently managed and controlled by the municipality:
- (a) Bainsvlei Cemetery
  - (b) Bloemspruit Cemetery
  - (c) Heather Heights Cemetery
  - (d) Memoriam Cemetery
  - (e) Nali's View Cemetery
  - (f) Phahameng Cemetery
  - (g) South Park Cemetery
  - (h) Storm Avenue Cemetery
  - (i) Bloemfontein Traditional Cemeteries
  - (j) Botshabelo Cemeteries (3 cemeteries)
  - (k) Thaba Nchu Urban Cemeteries (19 cemeteries)
  - (l) Thaba Nchu Rural Cemeteries (38 cemeteries)
  - (m) Dewetsdorp Cemeteries (all cemeteries)
  - (n) Wepener Cemeteries (all cemeteries)
  - (o) Van Stadensrus Cemeteries (all cemeteries)
  - (p) Soutpan Cemeteries (all cemeteries)
- (3) The Council may set aside, reserve and demarcate within a cemetery, in accordance with an approved layout plan, such areas as the Council may deem necessary for exclusive use by the members of a particular religion or denomination, or for the burial of adults, children, security forces or war heroes, or for the creation and management of the following sections:
- (a) **Berm-section** where memorial work of a restricted size may be erected only on a concrete base provided by the municipality at the top or bottom end of a grave. The top surface of graves are levelled and the municipality will cut planted as well as natural grass as part of its maintenance program;
  - (b) **Monumental-section** where memorial work erected shall cover the entire grave area.
  - (c) **Semi-monumental section** where memorial work, without a restriction on the size, may be erected only on a concrete base at the top end of a grave, which base will not be provided by the municipality;
  - (d) **Natural-grass section** where the surface of graves are leveled. Graves are identified by numbers affixed on top of the graves in such a way that lawnmowers can be used to cut the natural grass without damaging the numbers;
  - (e) **Traditional-section** where memorial work does not have to cover the entire grave area, and may be erected on graves that are not supplied with a concrete base as required in the Berm-section. The surface of graves are levelled;
  - (f) **Columbarium-section** where ashes may be buried in a niche in a memorial wall or wall of remembrance provided by the municipality;

### 3. Official hours

- (1) The cemetery and the office of the caretaker shall be open during the hours as determined by the municipality. The cemetery office of the caretaker shall be open from Monday to Friday.
- (2) Burials shall take place on the days and during the hours as determined by the Council.
- (3) The Council has the right to close a cemetery or any portion thereof to the public for such periods and for such reasons as the Council may deem fit
- (4) No person shall be or remain in a cemetery or part thereof before or after the official hours as determined by the Council or during any period when it is closed for the public, without the permission of the caretaker.

### 4. Register

- (1) A register of graves and burials shall be kept by the caretaker.
  - (2) Such register shall be completed as far as possible immediately after a burial has taken place, with reference to the prescribed particulars contained in the burial order concerned.
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**5. Numbering of graves**

- (1) All graves in a cemetery that are occupied or for which a burial has been authorised in terms of the provisions of section 9, shall be numbered by the municipality.
- (2) The number shall be affixed to the grave and indicated on a plan to be kept available in the caretaker's office.

**6. Reservation of graves**

- (1) No reservation of a grave in a cemetery shall be allowed.
- (2) Reservation of graves made and recorded in the official records of the Council in terms of the by-laws repealed in terms of section 24, shall still be valid and the Council shall honour such reserved rights.

**7. Transfer of reserved rights**

- (1) A reserved right as contemplated in section 6(2), may not be transferred without the prior approval of the Council.
- (2) Application to transfer such right shall be made to the caretaker in writing by completing and submitting a prescribed application form.
- (3) If the application is granted, a certificate will be issued in favour of the transferee who will become the holder.
- (4) The reserved right may be cancelled on request of the holder and if the request is approved by the Council, the amount paid by the holder (if any), minus 10% administration fees, will be refunded to the holder.

**8. Number of corpses in a grave**

- (1) Two corpses may be buried in a grave with measurements as contemplated in sub-sections 14(1) and 14(2) subject to the provisions of sub-section 8(2)(b): Provided that only a child may be buried on top of another child in a grave with measurements contemplated in section 14(2)
- (2)
  - (a) A family member or relative of a person that was buried in a single grave with measurements of 1820 mm deep, 2300 mm long and 760 mm wide in the case of an adult, and 1370 mm deep, 1520 mm long and 610 mm wide in the case of a child, may, with effect from the date of the coming into effect of this sub-section, apply to the Council in terms of subsection 9(1) for permission to have a recently deceased family member or relative buried on top of the first deceased family member or relative, if a period of at least two years have lapsed since the passing away of the first deceased family member or relative.
  - (b) A person applying for the reopening of a grave for a second interment must sign a reopening document granting permission for the opening of the grave at the cemetery along with the other documents required in terms of section 9(1).
  - (c) The person applying for the reopening of a grave for a second interment or any other close family member, must be present at the reopening of the grave of the first deceased family member or relative.
  - (d) On receipt of an application in terms of section 9(1) and the prescribed fees as determined by the Council from time to time, the Council may grant the requested permission subject thereto that the grave must be deepened to the depth determined in sub-section 14(1) ;
  - (e) The deepening of a grave for purposes of compliance with this sub-section, shall not be regarded as an exhumation, as set out in section 16.
- (3) If on re-opening any grave, the soil is found by the municipality to be offensive or dangerous to the general health of people, the situation will be handled in consultation with the responsible official of the municipality.

**CHAPTER 3  
BURIALS****9. Application for a burial**

- (1) Application for permission for a burial in a cemetery shall be made to the caretaker in writing by completing and submitting a prescribed application form. An application shall be accompanied by:
    - (a) the prescribed burial order;
-

- (b) the prescribed fees; and
  - (c) a reservation certificate, if applicable;
- (2) No person shall, without the prior written permission by the municipality, execute, cause or allow a burial in any other place in the municipality than in a cemetery established and managed by the municipality. This includes the burial of a corpse, of ashes and of a cadaver.
  - (3) An application for permission for a burial must be submitted to the caretaker at least 48 working hours prior to the planned burial, failing which the caretaker may refuse the application.
  - (4) No person shall execute a burial or cause or allow a burial to be executed in a cemetery, unless written permission for the burial has been obtained, a specific grave has been allocated for the purpose of the burial and a date and time for the burial has been arranged with the caretaker: Provided that the municipality may reopen a grave up to the coffin, for purposes of identifying a corpse, after the municipality has given at least 14 days written notice of its intention to the family of the deceased person whose grave is to be reopened.
  - (5) In allocating a date and time for a burial, the caretaker shall have regard to the customs of the deceased's relatives and their religion or church affiliation.
  - (6) In allocating a grave the caretaker shall as far as practicable possible allow the responsible person access to a plan of the cemetery showing the various sections, and allow him to select the section of his choice, but not the individual grave of his choice. The allocation of a specific grave is the sole responsibility and discretion of the caretaker and a burial shall be executed only in a grave allocated by him.
  - (7) The Council may allow in its discretion a burial without payment of the prescribed fees in a part of a cemetery set aside for such purposes and in such manner as it may deem fit.
  - (8) Notice of cancellation or postponement of a burial must be submitted to the caretaker at least 4 working hours before the time set for the burial.
  - (9) The granting of permission for a burial and the allocation of a specific grave in a cemetery, does not give the applicant, the responsible person or any other person any right in respect of such grave other than to bury a corpse in the grave.

#### **10. Burial of a corpse**

- (1) All graves shall be provided by the caretaker with the exception of brick-lined or concrete-lined graves, in which cases the brickwork or concrete work shall be carried out by the undertaker under the supervision of the caretaker and in conformity with the specifications applicable to ordinary graves.
- (2) There shall be at least 1 200 mm of soil between the top of an adult coffin and the ground surface, and at least 900 mm of soil between the top of a child coffin and the ground surface.
- (3) All corpses shall be placed in a coffin for the burial thereof, except as provided for the Muslim community.
- (4) No person shall without the prior permission of the caretaker conduct any religious ceremony or service according to the rites of one denomination in any portion of a cemetery reserved by the Council in terms of the provisions of section 2 for the use of some other denomination.
- (5) No person shall permit any hearse in a cemetery to leave the roads provided, and every hearse shall leave the cemetery as soon as possible after the funeral for which it was engaged.
- (6) Every person taking part in any funeral procession or ceremony shall comply with the directions of the caretaker as to the route to be taken within the cemetery.
- (7) No person shall convey or expose a corpse or any part thereof in an unseemly manner in any street, cemetery or public space.
- (8) Every application and every document relating to any burial shall be marked with a number corresponding to the number in the register referred to in section 4 and shall be filed and preserved by the municipality for a period of not less than ten years.

#### **11. Burial of ashes**

- (1) Ashes may be buried in a coffin and only two such coffins containing ashes may be buried in a grave with measurements as contemplated in sub-section 14(1): Provided that a coffin does not exceed the average body weight of 70 kg, and furthermore that the grave is re-adjusted to the prescribed depth and measurements.
-

- (2) No person shall execute a burial or cause a burial of ashes to be executed in a cemetery, unless written permission for the burial has been obtained, a specific grave or niche has been allocated for the purposes of the burial and a date and time for the burial has been arranged with the caretaker.
- (3) Application for the burial of ashes for definite periods or in perpetuity, or for the provision of memorial tablets of approved material to be fixed on the building, columbarium or other facility shall be made to the caretaker in writing by completing and submitting a prescribed application form.
- (4) Niches will be allocated by the caretaker strictly in the order in which the applications therefore are received and no reservations for future use will be made.
- (5) An application for permission for a burial must be submitted at least 24 working hours prior to the planned burial, failing which the caretaker may refuse the application.
- (6) An urn or casket containing ashes that has been deposited in a building, columbarium or other facility shall not be removed without the caretaker's prior written consent.
- (7) Every niche containing ashes shall be sealed by a tablet approved by the Council and shall only be opened for the purpose of withdrawing an urn or casket contained therein for disposal elsewhere, or for the purpose of depositing an additional urn or casket therein whereafter it will once again be sealed.
- (8) Application for the opening of a niche shall be made to the caretaker in writing by completing and submitting a prescribed application form.
- (9) No person shall introduce any material into the columbarium for the purpose of constructing or erecting any memorial work therein unless and until:
  - (a) approval for the burial has been obtained in terms of the provisions of section 9;
  - (b) approval for the erection of the memorial work has been obtained in terms of the provisions of sub-section 17(1); and
  - (c) the prescribed fees have been paid.
- (10) Any person engaged upon any work on the columbarium, shall execute such work to the satisfaction of the caretaker, and such work shall be undertaken during the official hours of the caretaker as set out in section 3.
- (11) No permanent wreaths, sprays, flowers or floral tributes may be placed in or on a columbarium.
- (12) The columbarium may be visited daily during the official hours set out in section 3.
- (13) Plaques shall be made of material approved by the Council and shall be affixed simultaneously with the placing of the ashes and within 30 days of the obtaining of the consent.

## **12. Burial of a cadaver**

The remains of a corpse used at an educational institution for the education of students, generally known as a cadaver, may be buried in one coffin and two such coffins containing cadavers may be buried in a grave with measurements as contemplated in sub-section 14(1): Provided that a coffin does not exceed the average body weight of 70 kg, and furthermore that the grave is re-adjusted to the prescribed depth and measurements.

## **13. Persons dying outside the municipal area**

The provisions of these by-laws shall apply mutatis mutandis to any burial in a cemetery of a person who has died outside the municipality.

## **14. Grave measurements**

- (1) The excavation of a grave for an adult shall be at least 2 400mm deep, 2300 mm long and 760 mm wide.
  - (2) The excavation of a grave for a child shall be at least 1370 mm deep, 1520 mm long and 610 mm wide.
-

- (3) In the event that a grave of a greater depth, length or width than those specified above is required, application in respect thereof, together with extra prescribed fees that are due, shall be made to the caretaker together with the application to obtain permission for a burial.
- (4) Deviations from measurements of graves shall be as follows:
- |                   |   |              |              |
|-------------------|---|--------------|--------------|
| Extra wide        | : | 2300 mm long |              |
|                   |   | :            | 840 mm wide  |
| Extra long        | : | 2530 mm long |              |
|                   |   | :            | 760 mm wide  |
| Rectangular small | : | 2300 mm long |              |
|                   |   | :            | 810 mm wide  |
| Rectangular big   | : | 2400 mm long |              |
|                   |   | :            | 900 mm wide  |
| Brick-nogging     | : | 2600 mm long |              |
|                   |   | :            | 1050 mm wide |
- (5) The area of a rectangular grave for an adult shall be 1500 mm wide by 2600 mm long.
- (6) The area of a grave for an adult shall be 1210 mm wide by 2430 mm long.
- (7) The area of a grave for a child shall be 1210 mm wide by 1520 mm long. If a coffin is too large, an adult grave shall be used.

**CHAPTER 4  
CREMATION**

**15. Cremation**

Cremation within the municipality shall only take place in an approved crematorium established for that purpose, and in accordance with the applicable legislation.

**CHAPTER 5  
EXHUMATION**

**16. Exhumation**

- (1) No person shall without the written authority of the Premier of the Free State as contemplated in the Burial Place Ordinance, 1952 (Ordinance No 4 of 1952) and then only after notifying the Council, exhume or cause or allow any corpse or the mortal remains of a corpse to be exhumed.
- (2) Any person duly authorised to exhume a corpse as set out above, shall furnish such authority to the caretaker at least eight working hours before the time proposed for the exhumation of such corpse, and shall at the same time pay the prescribed fees.
- (3) An exhumation and removal of any corpse shall be made only in the presence of the caretaker or any authorised member of the cemetery personnel, accompanied by the funeral undertaker and in accordance with the stipulated legislation applicable to exhumations and re-burials.
- (4) A grave from which any corpse is to be removed shall, if required by the caretaker, be effectively screened from public view during the exhumation.
- (5) The person who applied for the exhumation of a corpse, shall provide an acceptable receptacle for the remains and shall remove the remains after the exhumation.
- (6) No person shall be permitted to re-open a grave unless he has satisfied the caretaker that he is authorised thereto.
- (7) After the exhumation of a corpse and the removal of the remains, all rights in the grave will revert to the municipality. The re-use of the grave shall be done in consultation with the responsible official of the municipality
- (8) If at any time and for whatever reason the exhumation and transfer of a corpse to another grave shall become necessary, the municipality may, after the relatives of the deceased person have been notified accordingly, exhume such body and transfer it to another grave.

**CHAPTER 6  
MEMORIAL WORK**

**17. Memorial work**

- (1) Application for the erection of memorial works shall be made to the caretaker in writing by completing and submitting a prescribed application form.
- (2) The erection of trellises around graves is prohibited.
- (3) No person shall bring or cause any material to be brought into any cemetery for the purpose of the erection or construction of any memorial work, unless and until:
  - (a) approval for the burial has been obtained in terms of the provisions of section 9;
  - (b) approval for the erection of the memorial work has been obtained in terms of the provisions of sub-section 17(1); and
  - (c) the prescribed fees has been paid.
- (4) Graves of the war heroes which are in the care of or maintained by the South African War Graves Board or by any other recognized body or by the government of any foreign country, shall upon application to the Council, be exempt from the requirement of payment of the prescribed fees.
- (5) The Council may refuse its consent for the erection of any proposed memorial work if the plan and specification thereof reveals that it will be of inferior quality or in any manner likely to disfigure a cemetery or which bears any inscription likely to cause offence to users of the cemetery or to visitors thereto.
- (6) No person engaged upon any memorial work in a cemetery shall at any time disturb any adjacent graves. On completion of such work he shall leave the grave and the cemetery in a clean and tidy condition and remove any building material or surplus ground therefrom.
- (7) A person engaged in the erection of memorial work in a cemetery, shall comply with the following provisions:
  - (a) arrangements will beforehand be made with the caretaker with regard to the date and time of the intended erection;
  - (b) all separate parts of any memorial work other than masonry-construction shall be affixed by copper or galvanized iron dowel-pins of a length and thickness sufficient to ensure the permanent stability of the work;
  - (c) any part of such work which rests upon any stone or other foundation shall be fairly squared and pointed;
  - (d) the underside of every flat stone memorial and the base or landing of every headstone shall be set at least 50 mm below the natural level of the ground;
  - (e) all headstones shall be securely attached to the base;
  - (f) flat stones shall consist of one solid piece in the case of all graves;
  - (g) all headstones shall consist of granite, marble, bronze or any other durable metal or stone approved by the municipality;
  - (h) all curbing or memorial work on graves shall be erected on concrete foundations at least 1210 mm wide and 200 mm deep over the full width in the case of adults graves and 910 mm wide and 200 mm deep in the case of children's graves;
  - (i) the size of a monumental tombstone (all inclusive) shall be as follows:
 

Single grave	:		2440 mm long
		:	1070 mm wide
Child grave	:		1370 mm long
		:	760 mm wide
Double grave	:		2440 mm long
		:	2290 mm wide
  - (j) all curbing on larger than single graves shall be fixed on substantial concrete mats at the four corners and where joints occur;

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- (k) any concrete foundation on any grave must, upon instruction of the municipality, be reinforced where this is considered necessary owing to the weight of the memorial work.
- (8) No person shall erect any memorial work within a cemetery unless the number and section-letter of the grave upon which such work is to be erected, shall be engraved thereon in such a position that it will be legible at all times from a pathway. With the consent of the family of the deceased, the name only of the maker of such memorial work may be placed upon any foot stone.
- (9) Memorial work shall be constructed and erected in a cemetery only during the official office hours as contemplated in section 3.
- (10) No person shall fix or place any memorial work during inclement weather or where the soil is in an unsuitable condition.
- (11) Every person carrying out work within a cemetery shall under all circumstances comply with the directions of the caretaker.
- (12) The municipality may, after due notice, at any time change or alter the position of any memorial work in any cemetery provided that in any case where any memorial work has originally been placed in a certain position with the express consent of the caretaker, any alterations of such position in terms of the provisions of this section shall be executed at the expense of the municipality.

#### **18. Graves supplied with a berm**

- (1) Notwithstanding anything to the contrary contained in this provision, a grave which is supplied with a berm shall be subject to the following conditions:
- (a) no kerbing shall be erected at such graves;
  - (b) the berm provided by the municipality shall be 1 200 mm long, 500 mm wide and 300 mm deep;
  - (c) the base of the memorial work to be erected on the berm of a single grave shall not be larger than 1 000 mm long and 230 mm wide. The memorial work together with the base may not be higher than 1 200 mm from the ground surface.
  - (d) a memorial work shall not protrude beyond the base;
  - (e) no object may be placed and kept on any grave. A memorial work or a vase for flowers or foliage placed in the orifice provided in the berm, may however be placed and kept on a grave until such time that the ground surface over the grave is levelled.

### **CHAPTER 7 MAINTENANCE**

#### **19. Maintenance of graves**

- (1) A memorial work erected upon a grave shall at all times be maintained in good order and condition by the responsible person. Should any such work fall into a state of disrepair or constitute a danger or be a disfigurement of the cemetery, the municipality may by written notice addressed to the responsible person by registered post at his last known postal address, require of him to effect such repairs as may be considered necessary. On failure to effect the required repairs within one month of the date of such notice, the municipality may have the repairs effected or may have the memorial work removed as it deem fit and may recover the costs for such repairs or removal, from the responsible person.
- (2) Unless otherwise provided for in these by-laws, the municipality shall be responsible for keeping cemeteries in a neat and tidy condition.
- (3) Grass may be planted on a grave by family members of the deceased, subject to the directions of the caretaker: Provided that the municipality shall maintain the grave, as part of the cemetery, at its own cost and in accordance with its own standards and programs;
- (4) All memorial work which has been dismantled for purposes of a further burial shall be re-erected or removed from the cemetery within two months of the date of such dismantling. On failure to do so the municipality shall be entitled to remove any such dismantled memorial work from the cemetery without further notice, and to recover the costs of such removal from the responsible person.
- (5) No person shall plant any tree, shrub, bush or any other plant on or in the vicinity of a grave.
- (6) The municipality shall have the right to remove, trim or prune any plants which extend beyond the limits of any grave or which are untidy.
- (7) No person shall deposit any flowers, grass, weeds or other materials removed from a grave, on any other grave, roadway or any other place in the cemetery, except in the refuse bins intended for that purpose.
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**CHAPTER 8  
GENERAL CONDUCT IN CEMETERIES****20. General conduct in cemeteries**

- (1) No person under the age of 12 years shall enter a cemetery unless he is in the care of an adult or with the consent of the caretaker.
- (2) No person shall enter or leave any cemetery except through the gates provided for that purpose nor shall any person enter any office or enclosed place in any cemetery, except on business or with the consent of the caretaker.
- (3) No person shall make a false statement or provide false information in an application or other form or document to be completed and submitted in terms of these by-laws.
- (4) No person shall carry on any trade or hawking activity, or solicit any business, or exhibit, distribute or leave any business card or advertisement within any cemetery or on any public place within thirty metres of the boundary of any cemetery, except with the written permission of the municipality and on such conditions as the municipality may determine.
- (5) No person shall sit, stand or climb upon or over any tombstone, memorial work, gate, wall, fence or building in any cemetery.
- (6) No person shall hold a demonstration of any kind in any cemetery or allow or participate in such demonstration.
- (7) No person shall bring into or allow any animal to enter any cemetery. Any animal found in a cemetery may be impounded.
- (8) Directives from the caretaker to ensure the orderly procession of the ceremony concerning the placement of structures, chairs, voice amplification equipment volume and the type of music must to be played, must be adhered to.
- (9) No person shall within any cemetery obstruct, resist or oppose the caretaker or any official of the municipality whilst acting in the course of their official duties, nor refuse to comply with any reasonable order or request of the caretaker or any official of the municipality.
- (10) No person shall remove from the cemetery any soil, sand or other substance or thing of a similar nature without the express permission of the caretaker.
- (11) No person shall wantonly or wilfully damage or cause to be damaged, nor shall any person mark, draw or erect any advertisement, bill or placard upon or in any manner deface any grave, tombstone, monument, wall, building, fence, path or other construction within any cemetery.
- (12) No person shall bribe or try to bribe any employee in the service of the municipality in regard to any matter in connection with a cemetery or burial, neither with money gifts or any other benefit.
- (13) No person shall, except where expressly permitted by these by-laws or with the consent of the caretaker, disturb the soil, or plant or uproot any plant, shrub or flower, or in any way interfere with any grave or construction in any cemetery.
- (14) No person shall play any game or take part in any sport, or discharge any firearms except as a salute at a military funeral, or discharge any airgun or catapult within any cemetery, or disturb or annoy any person present therein.
- (15) No musical instruments shall be played in a cemetery without the consent of the caretaker.

**CHAPTER 9  
MISCELLANEOUS****21. Injuries and damages**

- (1) A person using a cemetery do it on his own risk, and the municipality accepts no liability whatsoever for any personal injuries sustained by such person or for any loss of or damage to such person's property relating to or resulting from the aforementioned usage of the cemetery.
  - (2) A person using a cemetery accepts full responsibility for any incident, damages or injuries that may be caused by or that may result from the aforementioned use of the cemetery and he accordingly indemnifies the municipality, its members, employees or agents, whether in personal or official capacity, against liability for all claims from whichever nature by himself, his dependants or third parties in respect of any patrimonial loss, consequential damages, injuries or personal prejudice that may be suffered or sustained in connection with or resulting from such a person's use of a cemetery. The aforementioned indemnity also applies to injuries sustained by employees of the municipality while on duty at the cemetery, as well as damages to municipality property at the cemetery.
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**22. Fire-arms and traditional weapons**

No fire-arms and traditional weapons shall be allowed in a cemetery.

**23. Offences and penalties**

- (1) Any person contravening or failing to comply with any of the provisions of these by-laws shall be guilty of an offence and shall upon conviction by a court be liable to a fine not exceeding R 60 000, or imprisonment for a period not exceeding three years or both a fine as well as period of imprisonment, or such other fine or period of imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of section 92 of the Magistrate's Courts Act, 1944 (Act No 32 of 1944).
- (2) Any expense incurred by the municipality as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the municipality from the person who committed the contravention or who failed to do such thing.

**24. Repeal and Amendment**

- (1) Any by-laws relating to municipal cemeteries adopted by the Council or any municipality now comprising part of the City is repealed from the date of promulgation of these by-laws
- (2) The by-laws relating to Municipal Cemeteries as promulgated in the Local Government Notice No. 97 of 27 September 2002, amended in the Local Government Notice 1. Notice No. 61 of 26 September 2008, amended in the Local Government Notice No. 34 of 24 June 2016, are hereby further amended

**25. Short title and commencement**

This by-law is called **Mangaung, Municipal Cemeteries By-law** and the amendments effected come into operation on the date of publication thereof in the Provincial Gazette.

[PROVINCIAL NOTICE NO. 43 OF 2019]

**MANGAUNG METROPOLITAN MUNICIPALITY**

**PROMULGATION NOTICE**

**Events By-law**

Passed by Council on Tuesday, 05 March 2019  
Under Item 18.1 – 5/03/2019

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act No 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the revised set of Events By-laws, at the sitting dated 05 March 2019.
- 2) The reviewed Events By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

**Adv. Tankiso Mea**  
**City Manager**

**BY-LAWS RELATING TO EVENTS**

**1. Definitions**

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

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“**Authorized Official**” means an official of the Municipality/City authorized to implement or enforce the provisions of this by-law;

“**Municipality/City**” means Mangaung Metropolitan Municipality established by the Provincial Notice №. 155 of 2016 as published in the Provincial Gazette, Free State Province of 22 July 2016, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**Municipal Manager/City Manager**” means the person appointed by the Council of the City as Municipal Manager/ City Manager and shall include any person acting in that position or to whom authority is delegated.

“**Council**” means the Council of the Mangaung Metropolitan Municipality or any political structure, political office bearer, councillor or any staff member acting under council’s delegated or sub-delegated power;

“**Event**” means —

- (a) any sporting, recreational or entertainment event, including live acts;
- (b) any educational, cultural or religious event;
- (c) any business event including marketing, public relations and promotional, or exhibition events; or
- (d) any charitable event, including any conference, organizational or community event, or any similar activity hosted at a stadium, venue or along a route or its precinct, that is planned, has a clear programme, control and accountability, but excludes an event hosted by a private person held in his or her private capacity at any venue; or filming staged in terms of the By-law relating to filming.

“**Event Organiser**” means a person who lodges an application to hold an event whether he or she submits the application for himself or herself or on behalf of another natural person or juristic person;

“**Event Permit Officer**” means an officer of the City authorized by either the City Manager or Head of Department to issue an event permit.

“**Law Enforcement Officer**” includes members of the City’s Law Enforcement Unit and South African Police Services;

“**Permit**” means a permit issued for the holding of an event in terms of this by-law;

“**Public Place**” means—

- (a) any public land, square, public swimming bath, public resort, public recreation site, zoological, botanical or other public garden, park or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, as well as any public open space, public road, road reserve, reserve street, lake, dam, or river;
- (b) any public building, structure, hall, room or office including any part thereof and any facility or apparatus therein, which is the property of, or possessed, controlled or leased by the City and to which the general public has access, whether on payment of admission fees or not;
- (c) any nature conservation area including —
  - (i) nature reserves;
  - (ii) protected natural areas;
  - (iii) nature conservation worthy areas; and
  - (iv) natural open spaces;

“**Purpose-built Venue**” means a venue correctly zoned, built and suitable for the holding of specific events;

“**Stakeholder**” includes any person, organization or body who is affected or has a role to play in the management or holding of an event;

“**This By-law**” includes the **Schedule 1** which is Schedule of Offences and Penalties to this By-law;

“**Venue**” means any open space, enclosed or semi-enclosed temporary structure or permanent structure zoned in terms of the applicable legislation –

- (a) within which a temporary or permanent structure may be erected, where an event is to be hosted; and
-

- (b) which, for the purposes of any categorization, designation and certification of an event may consist of —
- (i) seating for spectators, attendees or an audience; or
  - (ii) a field of play or a permanent or temporary podium or other area within a venue, reserved for the purposes of hosting an event;

“**Venue Owner**” means any person or legal entity that, now or in the future, will directly or indirectly own, lease, rent, acquire or exercise the powers of an owner or occupier of a venue used for events.

## **2. Purpose**

- 2.1 The purpose of this by-law is to regulate the holding or hosting of events within the area of jurisdiction of the City of Mangaung in a manner that is properly co-ordinated, safe and secure, and matters incidental thereto.
- 2.2 It further gives effect to the National Recreation and Event Safety Act of 2010 and the Municipality’s Events Policy.

## **3. Scope of Application**

- 3.1 This By-law applies to any event held within the area of jurisdiction of the City, either organized by the City, provincial or national government, public or private body whether local or international and includes events held on private land or public places, provided that where an event is held on private land, subject to any other applicable legislation, it has an impact on the resources of the City and the surrounding community.
- 3.2 This By-Law does not apply to –
- (a) events of fewer than 50 persons where there is no amplified sound or no temporary structures to be used; and
  - (b) small events such as family or community events held on private property or purpose built venues, subject to any other legislation.
- 3.3 Notwithstanding sub-clause 3.2, the Events Permit Officer or a Law Enforcement Officer may —
- (a) when the Events Permit Officer or a Law Enforcement Officer finds that the provision(s) of this By-law is or are likely to be contravened by an event organizer; or
  - (b) when a stakeholder affected by the impact and risk attached to an event lodges a complaint with the Event Permit Officer or a Law Enforcement Officer, issue a compliance notice to the event organizer in terms of clause 9 and act in terms of this By-law.
- 3.4 Purpose-built venues are excluded from this By-law in respect of events normally held in such venue, provided that –
- (a) this exclusion does not apply to events or parts of events held outside the venue or building, or which by their nature, size or impact are considered outside the normal use parameters for the venue; and
  - (b) owners or managers of purpose-built venues must submit an application to the events permit office for approval of their events programmes which shall be valid for one year.
- 3.5 The Events Permit Officer may, from time to time, issue directives regarding specific or special application process for any specific or special event which may vary in respect of the criteria referred to in clause 7.

## **4. Application Procedure**

- 4.1 The application to hold an event in terms of this by-law should meet the following requirements-
- (a) by a person who is at least 18 years old or above;
  - (b) in a form as prescribed by the Events Permit Officer;
  - (c) within the prescribed time frames; and
  - (d) by a person or on behalf of a person who possesses the necessary capacity and resources to the events permit office.
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4.2 The application must include all information required as indicated in the prescribed form and any additional information as may be requested by the City.

4.3 In the event of failure to submit the information referred to in sub-clause 4.2 an application may not be considered by the City.

## **5. Terms and Conditions**

5.1 No person may hold any event without first obtaining an event permit from Event Permit Officer.

5.2 An application for an event should comply with the provisions of this By-law and contain such information as indicated in the prescribed application form.

5.3 The event organiser may not advertise the planned event before an application is submitted to the City and the Event Permit Officer has informed the event organiser that the application has been approved.

5.4 The Events Permit Officer should, depending on the nature of the event, ensure that consultation with relevant stakeholders identified by the City is undertaken by the event organizer.

5.5 The Council must, as part of its budgeting process, determine tariffs and deposit payable for events.

5.6 The City shall not, in respect of any planning for an event, application, approval or permit issued for an event in terms of this By-law, be held liable for any –

(a) damage to or loss of any property of the event organiser; or

(b) costs incurred by an event organiser or any third party.

5.7 The event organiser, or the venue owner in the case of a small event referred to in sub-clause 3(2)(b), shall be liable for the cost of any service provided by the City for or in respect of an event.

## **6. Decisions on Applications**

6.1 The City may approve or decline an application for an event in terms of this By-law.

6.2 Once a decision has been taken in terms of sub-clause 6.1 the applicant must be informed accordingly in writing.

6.3 Where an application for an event has been approved, the Events Permit Officer must issue a permit with conditions.

6.4 Where an application for an event has been declined, reasons for the decision must be communicated to the applicant in writing.

6.5 The event organizer must make sure that the permit is available at the venue for inspection at all stages and at all times of the event.

6.6 Council may delegate to the City Manager the powers to approve all events except major events whereby the City Manager will be required to submit a report to Council for approval

6.7 The City Manager may further delegate the powers to approve minor events to the relevant Head of Department.

6.8 The Council may by resolution determine, in line with any applicable legislation, the capacity in terms of numbers for minor events as well as major events.

## **7. Criteria for Application Consideration**

7.1 The Events Permit Officer must ensure that applications for holding an event are considered in accordance with the following criteria, where applicable:

(a) the type and size of an event;

(b) impact of the event in respect of noise and amplified sound, traffic and logistical aspects, as well as marketing, economic, social and environmental objectives;

(c) the proposed use of the land complies with the applicable zoning scheme and any conditions applicable thereunder;

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- (d) the safety and security risk management of the event in respect of the event plan, logistics, location, site design and other activities taking place near or at the event venue and other threats to the event;
- (e) return on investment of the event, in cases where the event is sponsored fully or partly by the City; and
- (f) the event complies with all applicable legislation.

7.2 Preference will be given to events which promote the following principles:

- (a) National Unity and Social cohesion;
- (b) Greening and climate change;
- (c) Corporate and Social Responsibility;
- (d) Local Supply;
- (e) Gender and Youth Empowerment; and
- (f) Civic pride.

## **8. Responsibilities of Organisers**

8.1 Event organisers whose applications have been approved in terms of this By-law are responsible for the event and must ensure that —

- (a) the event is held in compliance with the provisions of this By-law and does not contravene any other law;
- (b) the conduct of persons attending an event and the activities undertaken or carried out at the event do not negatively impact on affected communities during such event;
- (c) any compliance notice issued by the Events Permit Officer or a Law Enforcement Officer in terms of clause 9 is complied with.

## **9. Issuing of Compliance Notice**

9.1 When the Events Permit Officer or a Law Enforcement Officer finds that a provision of this By-law is contravened by an event organizer or that a condition has arisen that has the potential to lead to a contravention of this By-law or any other law, he or she —

- (a) may issue a compliance notice to the event organizer; or
- (b) may, on receipt of information from an authorized official relating to the contravention of this By-law or any other law in respect of the holding of an event, issue a compliance notice to the event organiser.

9.2 A notice issued in terms of sub-clause 9.1 must state —

- (a) the provision of the By-law that is being contravened or will be contravened if the condition is allowed to continue;
- (b) the measures that must be taken to rectify the condition; and
- (c) the time period in which the notice must be complied with.

9.3 If a person on whom notice was served in terms of sub-clause 9.1, fails to comply with the requirements of the notice, the Event Permit Officer, a Law Enforcement Officer or an authorized official may, for the purposes of this By-law, take such steps as may be necessary to rectify the condition at the cost of the event organizer.

9.4 A person who fails to comply with a compliance notice issued in terms of Sub-clause 9.1 commits an offence.

9.5 The City shall, in respect of a person who fails to comply with a compliance notice in respect of one or more events —

- (a) keep a record of non-compliance and consider any appropriate action as may be required; and
- (b) require an increased deposit from the person for future events to be held or staged by such person.

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**10. Right of Access and Inspections to Event Venue**

- 10.1 The Events Permit Officer, an authorized official or a law enforcement officer may conduct inspections of a venue after the submission of an application, during or after the holding of an event to determine compliance with this By-law.
- 10.2 The Events Permit Officer or a law enforcement officer has a right of access to or over any venue for the purposes of —
- (a) doing anything authorised or required to be done by the City under this By-law;
  - (b) ascertaining whether there is or has been a contravention of the provisions of this By-law; and
  - (c) enforcing compliance with the provisions of this By-law.
- 10.3 An Events Permit Officer, an authorized official, or a law enforcement officer may, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour specified in such notice, access to such property to a person and for a purpose referred to in sub-clause 10.2.

**11. Suspension or Revocation of Permit**

- 11.1 The Event Permit Officer, may, where the event organizer fails to comply with a compliance notice issued in terms section 8, by notice in writing to the event organiser —
- (a) suspend the permit immediately until the event organiser has complied with the compliance notice;
  - (b) revoke the permit and take such steps as may be necessary in terms of this By-law, and the event organiser shall be liable for any costs incurred thereby; or
  - (c) on receipt of information from a Law Enforcement Officer or an authorised official relating to failure to comply with a compliance notice, suspend or revoke the permit of an event organizer.
- 11.2 The City may, where the Event Permit Officer has acted in terms sub-clause 11.1, withhold the deposit paid by the event organizer for an event as security for the payment of such costs.

**12. Co-Hosting by Agreement**

- 12.1 The City may enter into such agreements and partnerships with event organizers as may be necessary for the holding and management of events in terms of this By-Law.
- 12.2 The City may, under an agreement or partnership contemplated in sub-clause 12.1, provide support either logistically, financially or both to specific events which are aligned to the strategic objectives of the City.
- 12.3 The agreements and partnerships contemplated in sub-clause 12.1 must provide for service levels which must be met by the parties in order to ensure compliance with this By-law and any applicable legislation.
- 12.4 Notwithstanding the provisions of this By-law relating to offences and penalties, an agreement concluded in terms of this clause may provide for penalties for which an event organizer may be liable in the event of non-compliance therewith.

**13. Right of Appeal**

- 1.1 Parties to a dispute arising from a conflict in terms of this By-Law must attempt to resolve such conflict before exercising the right of appeal contemplated in sub-clause 13.3.
- 13.2. The event organizer may appeal against a decision where his or her application to hold an event has been declined.
- 1.2 An appeal may be lodged in writing with the City Manager within a period of five (5) working days after the receipt of the application outcome.
- 13.4 The application which is a subject of appeal must be decided in terms of clause 6 before the appellant may lodge an appeal within the applicable time-frames set out in sub-clause 13.3.
- 13.5 An appeal lodged in terms of this clause must be considered and decided within a period of seven (7) working days after the receipt of the appeal documents.
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13.6 The City Manager may delegate any official of the City to consider and decide on appeals referred to in sub-clause 13.3.

**14. Indemnity against Damage or Loss**

14.1 The event organizer must provide —

- (a) evidence, to the satisfaction of the City Manager, of an appropriate indemnity cover; and
- (b) where an activity which may put the public at risk will be involved, further evidence to the satisfaction of the Events Permit Officer of an appropriate specialized risk insurance, blanket liability or work cover.

14.2 The City shall not be liable for any costs, including any damage or loss, incurred or suffered as a result of an event held without an approval in terms of this By-law.

**15. Offences and Penalties**

15.1 Failure to comply with any provision of this By-Law constitutes an offence.

15.2 A person who commits an offence in terms of this By-Law shall, on conviction, be liable for a fine not exceeding five thousand rand (R5 000, 00) or a term of imprisonment not exceeding five (5) months, or both such fine and such imprisonment.

15.3 Schedule 1(Offences and Penalties) to this By-laws forms part of this clause.

**16. Repeal and Amendment**

16.1 Any by-laws relating to events adopted by the Council or any municipality now comprising part of the City is repealed from the date of promulgation of these by-laws.

16.2 The by-laws relating to Events as promulgated in the Local Government Notice No. 35 of June 2016, are hereby amended.

**17. Conflicting Laws**

17.1 If there is any conflict between a provision in this By-law and a provision of any other by-law of the Municipality, the provisions of this By-law prevail to the extent of the inconsistency.

17.2 The National Recreation and Event Safety Act of 2010 supersedes any regulations and by-laws in the event of any contradictions.

**18. Short title and Commencement**

This By-law is called **Mangaung, Events By-law** and amendments effected come into operation on the date of promulgation thereof in the Provincial Gazette.

**Schedule 1**

**SCHEDULE OF OFFENCES AND PENALTIES**

**(Notwithstanding any other penalty which might be imposed in terms of any other law, these penalties may be imposed for contraventions of the Mangaung, Events By-law and may be additional to such penalties)**

CLAUSE	OFFENCE	PENALTY	PENALTIES FOR REPEAT OFFENDERS
5(1)	Holding an event without a permit	R2 000, 00	R1 000, 00
8(b)	Failure to ensure that the conduct of persons attending an event and the activities undertaken or carried out do not disturb or harm the neighbouring communities or residents.	R5 000, 00	R2 500, 00

8(c) & 9(1)	Failure to ensure that a compliance notice issued by the Events Permit Officer or Law Enforcement is complied with.	R2 000, 00	R1 000, 00
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[PROVINCIAL NOTICE NO. 44 OF 2019]

## MANGAUNG METROPOLITAN MUNICIPALITY

### PROMULGATION NOTICE

#### Control of Collections By-law

Passed by Council on Tuesday, 05 March 2019  
Under Item 18.1 – 5/03/2019

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the revised set of Control of Collections By-laws, at the sitting dated 05 March 2019.
- 2) The reviewed Control of Collections By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

**Adv. Tankiso Mea**  
City Manager

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### BY-LAWS RELATING TO CONTROL OF COLLECTIONS

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  5. Repeal and Amendment
  6. Short Title and Commencement
-



## CHAPTER 1 INTERPRETATION

### 1. Definitions

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

**"Council"** means the Council of the Mangaung Metropolitan Municipality or any political structure, political office bearer, councilor or any staff member acting under council's delegated or sub-delegated power;

**"Collection"** means the collection of money, goods or contributions from the public in public places or by means of visits to residential or business places;

**"Municipality/City"** means Mangaung Metropolitan Municipality established by the Provincial Notice №. 155 of 2016 as published in the Provincial Gazette, Free State Province of 22 July 2016, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

**"Public place"** means any street, road, thoroughfare, park, square or open space.

(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 CONDITIONS FOR COLLECTIONS

### 2. Collections

(1) No person shall within the Municipality be engaged in, attempt to, or permit or in any way be concerned with the conducting of a collection, without the prior written consent of the Municipality.

(2) Any application for the consent of the Municipality in terms of subsection (1) shall be made and submitted to the Municipality in writing, and shall clearly set out :

- (a) the full name and address and occupation of the person to be responsible, or of persons to be jointly responsible for such collection and the name of the organisation concerned;
- (b) the object for which such collection is to be made or the fund to which the proceeds thereof are to be devoted and whether such object or fund is local to the Municipality;
- (c) in the event that the applicant is the local branch of a parent organisation, what percentage, if any, will be paid over to the parent organisation;
- (d) the day or days on which and the hours between which such collection is to be made;
- (e) the area where such collection is to be made;
- (f) whether the gross amount of the proceeds, without any deduction, is to be devoted to the object or fund in question;
- (g) the full name and address of the person who will supervise such collection; and
- (h) whether contributions in cash will be recorded on lists or will be received in receptacles.

(3) Where such contributions are to be received in receptacles, such receptacles shall be sealed, and each receptacle shall bear a label indicating the object or the fund to which the proceeds shall be devoted.

(4) Where contributions are to be recorded on lists, such lists shall be endorsed by the Municipality and shall clearly set out:

- (a) that such collection is being made with the consent of the Municipality;
  - (b) the object or the fund to which the proceeds shall be devoted;
  - (c) by whom such collection is being made or conducted and
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- (d) the full name and address of the person supervising such collection.
- (5) Where contributions are to be received or recorded in a manner other than that prescribed in subsections (3) or (4), the consent of the Municipality thereto shall first be obtained.

### 3. Age Limit for Collecting

No person under the age of 16 years shall be employed or engaged in any collection and any person who or any organization which has obtained the written permission of the Municipality to make such collection shall be responsible for ensuring that the provisions of this section are strictly complied with.

## CHAPTER 3 MISCELLANEOUS

### 4. Offences and Penalties

- (1) Any person contravening or failing to comply with any of the provisions of these by-laws shall be guilty of an offence and shall upon conviction by a court be liable to a fine not exceeding R 60 000, or imprisonment for a period not exceeding three years or both a fine as well as period of imprisonment, or such other fine or period of imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of section 92 of the Magistrate's Courts Act, 1944 (Act No 32 of 1944).
- (2) Any expense incurred by the Municipality as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Municipality from the person who committed the contravention or who failed to do such thing.

### 5. Repeal and Amendment

- (1) Any by-laws relating to control of collections adopted by any municipality now forming part of the Municipality are hereby repealed from the date of promulgation of this by-law.
- (2) The by-laws relating to the Control of Collections, as promulgated in the Local Government Notice No. 112 of 28 October 2005 and the Local Government Notice No. 34 of June 2016, are hereby further amended.

### 6. Short Title and Commencement

This by-law is called **Mangaung, Control of Collections By-law** and the amendments effected come into operation on the date of publication in the Provincial Gazette.

[PROVINCIAL NOTICE NO. 45 OF 2019]

## MANGAUNG METROPOLITAN MUNICIPALITY

### PROMULGATION NOTICE

#### Informal Settlements By-law

Passed by Council on Tuesday, 05 March 2019

Under Item 18.1 – 5/03/2019

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act No 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the revised set of Informal Settlements By-laws, at the sitting dated 05 March 2019.
- 2) The reviewed Informal Settlements By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

**Adv. Tankiso Mea**  
City Manager

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**BY-LAWS RELATING TO INFORMAL SETTLEMENTS****1. OBJECTIVES**

- (1) To provide for the prevention, regulation, monitoring and control of informal settlements and other related matters within the area of jurisdiction of the Mangaung Metropolitan Municipality (the Municipality) and to prescribe how the Municipality should address and deal with the issues relating to informal settlements with a view of managing and incrementally upgrading informal settlements.

**2. DEFINITIONS**

- (1) In this By-law, unless the context otherwise indicates-

**"recognized informal settlement"** means an informal settlement which will be formalized and upgraded in terms of the Municipality's existing housing policies and whereat any structure constructed will not be demolished and removed in terms of this By-law;

**"consent"** means the express or implied consent by the owner or person in charge of the occupied land by an occupant of a structure irrespective of whether such consent was given in writing or otherwise;

**"eviction"** means the permanent removal, in accordance with the provision of a court order, of a person and his or her property from occupation of a structure or the land on which the structure is constructed, and includes a demolition and removal from the land of any structural materials used to construct the structure, and "evict" has a corresponding meaning;

**"head of the household"** means any person in the household who has legal capacity to act and is recognized by the majority of the other persons in the household as the person responsible for the maintenance of the welfare and discipline within the household;

**"Informal settlement"** means an area that is not formally planned but nevertheless is occupied illegally by the dwellers

**"land"** means any land within the area of jurisdiction of the Municipality and includes a portion of land and buildings or structures on the land;

**"land invasion"** means the illegal occupation of land or any settlement or occupation of land by people without the express or tacit consent of the owner of the land or the person in charge of the land, or without any other right to settle on or occupy such land;

**"Land Invasion Reaction Unit"** means a group of officers or workers which may consist of any combination of one or more of the following components -

- (a) members of the Municipality's Law Enforcement Unit / Metro Police;
- (b) members of the South African Police Services;
- (c) members of the staff of the sheriff or messenger of the court with jurisdiction in the area;
- (d) members of a service provider contractually engaged by the Municipality to perform certain duties on its behalf; and
- (e) employees of the Municipality designated by the Municipal Manager;

**"Manager: Informal Settlements and Beneficiary Management "** means the official referred to in section 3;

**"Municipality"** means the Mangaung Metropolitan Municipality, a municipality established in terms of the provisions of Section 12 of the Municipal Structures Act, 1998 (Act No. 117 of 1998);

**"owner"** means the registered owner of land;

**"person in charge"**, in relation to land, means a person who has the legal authority to give permission to another person to enter or reside on that land;

**"structure"** means any type of building including, but not limited to, shelter, mud house, hut, tent, dwelling, or similar structure constructed on land, with or without the consent of the owner of the land or the person in charge of the land;

**"unlawful occupier"** means a person who occupies land without the express or tacit consent of the owner or person in charge, or without any other legal right to occupy such land;

**"lawful occupier"** means a person who occupies land with the express or tacit consent of the owner or person in charge, or with any other legal right to occupy such land;

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**"trespasser"** means a person who has accessed land without the permission of the land owner or person in control of the land, and "trespass" has a corresponding meaning.

**"unrecognized informal settlement"** means any settlement which will not be formalized and upgraded in terms of the Municipality's existing housing policies and whereat any structure constructed will be demolished and removed in terms of this By-law.

### 3. APPOINTMENT OF MANAGER FOR INFORMAL SETTLEMENTS

- (1) The Municipality should appoint or may assign one of its officials as a Manager: Informal Settlements and Beneficiary Management, in line with the Municipality's organisational structure, to monitor and manage development in and around informal settlements in accordance with the provisions of this By-law.

### 4. DUTIES WITHIN INFORMAL SETTLEMENTS AND BENEFICIARY MANAGEMENT SUB DIRECTORATE

- (1) The Informal Settlements and Beneficiary Management Sub-directorate must ensure that all developments are in accordance with the spatial development framework and integrated development plan, that the process of township establishment is followed in all cases and must and has the power to-
- i) determine, in consultation with his/her superiors, whether an informal settlement is a recognized or unrecognized informal settlement;
  - ii) conduct regular surveys to determine the location, origin and extent of and the conditions prevailing in each informal settlement;
  - iii) monitor and control all informal settlements and take the necessary steps to prevent land invasion within the area of jurisdiction of the Municipality;
  - iv) undertake and promote liaison and communication with local communities with a view to obtaining their understanding and cooperation regarding the prevention of land invasion in the area of jurisdiction of the Municipality;
  - v) keep a register of all the residents who are entitled to reside in each authorized informal settlement, and in such register the following details must be entered in respect of each shack in each authorized informal settlement –
    - (a) a unique number allocated to the stand or site on which the structure is constructed;
    - (b) the names, and identity number of the head of the household who is entitled to occupy the structure;
    - (c) the names, identity numbers and relationships to the head of the household of each and every other person occupying the structure as a member of the household;
    - (d) the reference number of the file of the Informal Settlements and Beneficiary Management Sub-directorate that contains a copy of the contractual agreement in respect of the structure;
    - (e) the number of the structure's municipal services account;
    - (f) the previous address of the household that is entitled to occupy the structure; and
    - (g) the names, addresses and telephone numbers, if any, of at least two family members of the head of the household who do not live at the same address as the household that is entitled to occupy the structure;
  - vi) ensure that all the residents living in a recognized informal settlement are registered in the National Housing Needs Register;
  - vii) submit written report on the control and management of any informal settlement, or the conditions prevailing in the informal settlement, if and when required to do so by the Municipality;
  - viii) for the purpose of informing residents of informal settlements and all other persons visiting informal settlements, ensure that-
    - (a) the contents of this By-law is communicated to all the residents of every informal settlement; and
    - (b) a copy of this By-law is posted and maintained in every informal settlement in a prominent place like the Ward Committee's office;
  - xi) allocate to each site or stand in an recognized informal settlement an individual number as the temporary address of the site or stand and must ensure that such number is legibly painted or inscribed in a prominent place on the site or stand;
-

- x) perform any other duty or function which may be necessary to ensure the proper management and control of an informal settlement.

## **5. CONSIDERATIONS REGARDING DETERMINATION OF STATUS OF INFORMAL SETTLEMENTS**

- (1) The Informal Settlements and Beneficiary Management Sub-directorate must take into account the following before making any determination whether an informal settlement is recognized or not:
  - (a) existing and applicable municipality's policies;
  - (b) applicable relevant pieces of legislation;
  - (c) municipality's land audit on informal settlements;
  - (c) representations of the owner of the relevant land; and
  - (d) representations of residents of the informal settlements.

## **6. INCIDENTS OF LAND INVASION**

- (1) The Informal Settlements and Beneficiary Management Sub-directorate must, immediately after they become aware of an incident of land invasion or the existence of a newly established informal settlement, irrespective of whether such informal settlement was established as a consequence of an incident of land invasion or not –
  - (a) commence with the process of regarding the determination of the status of the informal settlement whether it is a recognized or an unrecognized informal settlement; and
  - (b) inform the occupiers of the informal settlement of the status of the informal settlement in accordance with section 7 or section 9, whichever is applicable in the circumstances.
- (2) In the event of the status of an informal settlement contemplated in subsection (1) being determined as an recognized informal settlement, the Informal Settlements and Beneficiary Management Sub-directorate must deal with the matter in accordance with the provisions of section 7.
- (3) In the event of the status of an unrecognized informal settlement being determined, the Informal Settlements and Beneficiary Management Sub-directorate must deal with the matter in accordance with the provisions of section 9.

## **7. PROCEDURES RELATING TO THE MANAGEMENT AND MONITORING OF RECOGNISED INFORMAL SETTLEMENTS**

- (1) As soon as a determination of the status of a recognized informal settlement has been made, the Informal Settlements and Beneficiary Management Sub-directorate must, together with the a Ward Councillor, visit the informal settlement and notify the residents of the status of the recognized informal settlement by means of holding community meetings in the area.
  - (2) The Informal Settlements and Beneficiary Management Sub-directorate must implement measures to manage and monitor the occupancy of residents in the settlement area in order to prevent the construction of unauthorised structures in the recognized informal settlement and the taking up of residence by unrecognized residents in the informal settlement.
  - (3) Any unauthorised occupancy in the recognized informal settlement contemplated in subsection (2) must be dealt with in accordance with the provisions of section 9.
  - (4) In respect of a recognised informal settlement contemplated in subsection (1), the Informal Settlements and Beneficiary Management Sub-directorate must, as and when required, inform the Finance Department of the Municipality of such settlement and make information contemplated in section 4(1)(v) available to that Department.
  - (5) The Finance Department of the Municipality must –
    - (a) institute, operate and maintain an appropriate account for services rendered by the Municipality to each registered structure in the authorised informal settlement and for any charges levied for the right of occupation of a particular site or stand in the authorised informal settlement, subject to relevant legislation; and
    - (b) ensure that such an account is supplied to the head of the household of each registered structure in the authorised informal settlement, subject to relevant legislation.
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**8. ROLE OF WARD COUNCILLOR**

- (1) A Ward Councillor and the Informal Settlements and Beneficiary Management Sub-directorate, should meet on a quarterly basis, and at such meetings the Sub-directorate should provide progress reports on all matters relating to the recognised informal settlement and communicate matters of general concern.
- (2) Special public meetings of residents may be convened from time to time by the Ward Councillor to communicate with and inform the residents of matters relating to the informal settlement

**9. PROCEDURES RELATING TO THE TERMINATION OF UNRECOGNISED INFORMAL SETTLEMENTS**

- (1) Once the incident of unlawful occupation or land invasion occurs in the unrecognised informal settlement area, the Informal Settlements and Beneficiary Management Sub-directorate must, together with the Ward Councillor, visit the informal settlement and notify the unlawful occupiers of the status of the informal settlement by means of a written notice hand delivered to each occupier or site or structure, whichever is possible, in the informal settlements.

The written notice contemplated in this subsection must-

- (a) notify the occupiers that their occupation of the land is illegal, and that
  - (b) they must vacate and remove their personal properties from the land with immediate effect before any action is taken against them.
- (2) If the informal settlement is on land that does not belong to the Municipality, a copy of the notice contemplated in subsection (1) must also be delivered to such owner.
  - (3) If the occupiers notified in terms of subsection (1) cooperate and vacate the unrecognised informal settlement, the Manager: Informal Settlements and Beneficiary Management and/ or the private owner must take such steps as he or she may deem appropriate to prevent a recurrence of any incident of land invasion or illegal land occupation of unrecognised informal settlement and must regularly monitor the situation to ensure the non-recurrence of such land invasion or illegal land occupation.
  - (4) If the occupiers notified in terms of subsection (1) resist to vacate and the land invasion has not progressed to occupation in that the occupiers have shown the intention to reside on the land and are in the process of erecting their structures or dwellings, the Manager: Informal Settlements and Beneficiary Management or the relevant Regional Manager or any designated official must immediately report a criminal case of trespass at the nearest police station, and the South African Police Services, the Municipality's Law Enforcement Unit/Metro Police and Land Invasion Unit, on the basis of the case opened, must remove the unlawful occupiers from the land.
  - (5) If the occupiers notified in terms of subsection (1) resisted to vacate and were not removed in terms of subsection (4), the Municipality must immediately institute the eviction proceedings contemplated in the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998) in order to obtain an eviction order against any person or persons jointly or severally, unlawfully occupying the land in the unrecognised informal settlement.
  - (6) The Land Invasion Reaction Unit must, within a period of 24 hours after obtaining the eviction order referred to in subsection (5), commence with the execution of the eviction order by terminating the unrecognised informal settlement, in terms of the conditions of the court order.

**10. REMOVAL AND DISPOSAL OF THE UNLAWFUL OCCUPIERS' PROPERTIES**

- (1) In executing the provisions of this sub-section, any personal properties belonging to unlawful occupiers in the unrecognised informal settlement must be removed and stored in a safe place by the designated official.
  - (2) The personal properties contemplated in sub-section (1) must be claimed within 30 (thirty) days period after the removal and storage thereof, and if they are not claimed as such the Municipality may, dispose of such personal properties and this may include the selling of the properties in order to recover any removal and storage costs incurred by the Municipality
  - (3) If a property, in the opinion of the Municipality, is valueless and unable to realise any meaningful selling amount, it may be destroyed and/or dumped by the designated official, if not claimed after the period mentioned in subsection (2).
  - (4) Subject to the laws governing administration and distribution of estates, nothing contained in this section may deprive an heir of any deceased person of his/her right to the balance proceeds of the property disposed of.
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**11. LIABILITY**

- (1) Neither the Municipality nor any of its officials acting within the reasonable scope of their authority are liable for any loss of or damage to property or death of or injury to any resident or occupier of a structure in an unrecognised informal settlement or any other person for any reason whatsoever.

**12. OFFENCES**

- (1) Any person who incites, assists and/or abets persons to occupy land unlawfully shall be guilty of an offence.
- (2) Any person who directly or indirectly receives or solicits payment of any money or other consideration as a fee or charge for arranging or organising or permitting a person to occupy land without the consent of the owner or person in charge of that land shall be guilty of an offence.
- (3) Any person who wilfully or in a grossly negligent manner hinders or obstructs Informal Settlements and Beneficiary Management Sub-directorate Officials, Ward Councillor, Ward Committee, Land Invasion Reaction Unit or any other official of the Municipality in the execution of their duties in terms of this by-law shall be guilty of an offence.

**13. PENALTIES**

- (1) Any person found guilty of an offence in terms of the provisions of section 11(1) and (2) shall be liable to a fine, not exceeding R1 000, 00 or three (3) months imprisonment or both such fine and imprisonment.
- (2) Any person found guilty of an offence in terms of the provisions of section 11(2) shall be liable to : -
- (i) Refund any money or other consideration which was received by that person and which has been seized to be forfeited, and the money and the proceeds of the consideration may be paid to the person or persons from whom the money or consideration was received, and where such person or persons cannot be positively identified, such money or proceeds of the consideration must be paid into the Municipality's Revenue Account.
  - (ii) If any money or other consideration has been received in contravention of subsection 11(2), but has not been seized or made available for purposes of confiscation, the court that convicts a person of a contravention of this section may order the amount proved to the satisfaction of the court to have been received by such person to be paid to the person or persons from whom the money or consideration was received, and where such person or persons cannot be positively identified, the money or proceeds of the consideration must be paid into the Municipality's Revenue Account.
  - (iii) Such order has the effect of a civil judgment and may be executed against such person who received the money or consideration as if it were a civil judgment in favour of the person or persons from whom the money or other consideration was received or in favour of the Municipality

**14. APPLICATION OF BY-LAWS**

- (1) This by-law applies to all informal settlements within the area of jurisdiction of the Mangaung Metropolitan Municipality.

**15. REPEAL AND AMENDMENTS**

- (1) Any by-laws relating to informal settlements adopted by the Council or any municipality now comprising part of the Municipality are repealed from the date of promulgation of this By-law.
- (2) The Informal Settlements By-law of the Mangaung Metropolitan Municipality as promulgated in the Local Government Notice No. 60 of October 2013 is hereby amended

**16. SHORT TITLE AND COMMENCE**

- (1) This by-law shall be called the ***Mangaung, Informal Settlements By-law*** and the effected amendments come into operation on the date of promulgation thereof in the Provincial Gazette.
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[PROVINCIAL NOTICE NO. 46 OF 2019]

**MANGAUNG METROPOLITAN MUNICIPALITY**

**PROMULGATION NOTICE**

**Outdoor Advertising By-law**

Passed by Council on Tuesday, 05 March 2019  
Under Item 18.1 – 5/03/2019

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the revised set of Outdoor Advertising By-laws, at the sitting dated 05 March 2019.
- 2) The reviewed Outdoor Advertising By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

**Adv. Tankiso Mea**  
**City Manager**

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**BY-LAWS RELATING TO OUTDOOR ADVERTISING**

**Preamble**

**WHEREAS** the Constitution established local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and

**WHEREAS** the Constitution authorizes and empowers municipalities to administer the local government matters listed in Part B of Schedules 4 and 5, which include Billboards and the display of advertisements in public places and any other matter assigned to it by national or provincial legislation, by making and administering by-laws for the effective administration of these matters; and

**WHEREAS** the National Road Traffic Act of 1996, as amended, and the Regulations thereto, aim to promote traffic safety, the by-laws is also aimed at contributing towards an advertising environment which does not increase traffic risks or endanger the lives of pedestrians and motorists;

**BE IT THEREFORE ENACTED** by the Municipal Council of the Mangaung Metropolitan Municipality as follows:-

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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 and where mentioned in these by-laws, the maximum allowable size thereof includes the display as part of the total size ;

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

“**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;

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- “**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 municipal council of the Mangaung Metropolitan Municipality in which the executive and legislative authority of the municipality is vested, and which is the decision making body of the municipality, and includes any of its delegates;
- “**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;
- “**educational facility sign**” means signs erected at primary schools, secondary schools, tertiary institutions, crèches and nurseries. Advertisements at day care centers are not allowed.
- “**engineer**” means a person who is registered as a professional in terms of section 46 of the Engineering Profession Act, 2000 (Act No. 46 of 2000), as a certified engineer, engineering technician, professional engineer or professional technologist (engineering);
- “**entertainment districts**” means the areas including, but not limited to, in and known as Mimosa Mall, Loch Logan island, Waterfront Mall and the whole of Second Avenue, Bloemfontein, and can be any areas within the jurisdiction of the municipality, as may be recognised or determined by the municipality from time to time.
- “**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;
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**“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;

**“high impact sign”** refers to schedule 1, 2, 3, 4, 5, 6 and 15 in this by-law;

**“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 Mangaung Metropolitan Municipality, and when referred to as –

- (a) an entity, means Mangaung Metropolitan 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 Mangaung Metropolitan 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
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(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 millimeters 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 reserve**” means the land, either zoned as “street” within an established township, a right of way servitude registered over private property or a provincial or national road proclaimed over private property, which land includes the actual roadway, traffic islands and sidewalk/shoulders between the road reserve boundaries on either side of the road.

“**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;

“**site**” means a plot of land prepared for or underlying a structure or development and also refers to the location of a property

“**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 meters and 300 square meters in size on top of a high-rise building in the municipal area;

“**specific consent**” means the written approval by the municipality in terms of 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 or signs suspended by means of chains or cables;

“**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;

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“**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 Mangaung Metropolitan 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 this By-Law is to ensure 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, thereby promoting the image of the Municipality and enhancing the civic pride of its inhabitants.
- (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; this By-Law therefore seeks to ensure responsible use of the municipality’s responsible environment.
- (c) In the interest of promotion of safety and healthy environment, 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;
- (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: and
- (e) the Municipality aims to minimise the negative impact of outdoor advertising whilst maximising the positive effects thereof.
- (f) the Municipality has appropriate penalties in the event of non-compliance with this By-Law.

## 3. Application

1. 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 Municipality, including both public property as well as private property on which a sign is displayed which is visible from any public place.
2. This By-Law therefore applies to all areas that fall under the jurisdiction of Mangaung Metropolitan Municipality and is binding on all persons, natural and juristic, to the extent applicable.

#### 4. Policy framework

The policy underlying these By-laws is the South African Manual for Outdoor Advertising Control issued by the Department of Environmental Affairs and Tourism and the relevant policy approved by the Council from time to time and dealing with matters of advertising.

#### 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 set out in this section, may be re-classified by resolution of the municipality from time to time. Such classification shall equally apply to new areas as proclaimed from time to time by the municipality.
- (2) For the purposes of these By-laws the following areas of control exist:
  - (a) Rural and urban areas of maximum control, which means and includes, for purposes of these by-laws, a low density residential area, a road reserve, an agricultural area, a cemetery, and a public open space, such as, but not limited to, a park, a national monument, a heritage site, a gateway and an urban freeway are all classified as areas of maximum control. Only signs conveying an essential message may be displayed in an area of maximum control;
  - (b) Urban areas of partial control which means and includes, for purposes of these by-laws, 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 ;
  - (c) Urban areas of minimum control which means and includes, for purposes of these by-laws, a business, industrial, commercial, amusement and transport area such as, but not limited to, a commercial district, a 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; and
  - (d) Areas of maximum control in which advertising is prohibited:
    - (i) No sign may be displayed in the section of Kolbe Avenue and Curie Avenue road reserves, between Roth Avenue and the Megapark traffic signal;
    - (ii) Advertising of any product, service or event or any goods of a commercial nature is prohibited in President Brand Street;
    - (iii) A natural open space, critical open spaces including a ridge, a natural watercourse, a nature reserve, an urban conservation zone for example Seven Dams Conservancy, Naval Hill and Quaggafontein;
    - (iv) The following road curves, where no advertising is allowed within 100 meters on either side of the following road elements:
      - The sharp road curves in Gen. Dan Pienaar Drive
      - The sharp road curve in De Bruyn Street
      - The sharp road curves in Wynand Mouton Drive
      - The sharp road curves in De la Rey Avenue
      - The sharp road curves in Walter Sisulu Road
      - The sharp road curve in Benade Drive (At Le Clus Street)
      - The sharp road curves in Pres. Boshof Street in the vicinity of St George Street
      - The sharp road curves in Curie Avenue between Victoria Road and Roth Avenue
      - The sharp road curve in Kenneth Kaunda Road
      - The sharp road curves in Raymond Mhlaba Street
      - The sharp road curves in Pres. Paul Kruger Avenue
      - Any other newly proclaimed area as approved by the municipality.
    - v) The following portions of roads:
      - The extension of Albrecht Street to Arboretum Street
      - The roadway over all road/road and railway/road bridges
  - (e) Advertising on the ground or onto lampposts and trees is prohibited on the following middle islands and traffic circles due to the aesthetical sensitivity of these areas:
    - Nelson Mandela Avenue (Furstenburg Road to Donald Murray)

- Kenneth Kaunda Road Traffic Circle
- Aliwal street middle islands ( at the intersection with Harry Smith Street and Union Avenue)
- Raymond Mhlaba Street middle islands and traffic circle
- Maselspoort Road middle island
- Church Street (aa) buffer island , Francken Street to Falk Street and (bb) from fly-over to Vooruitsig Street
- Monument Road (Church Street to De la Ray Avenue
- Kolbe avenue (fly-over Roth Avenue)
- Curie Avenue ( fly-over to Sannaspos Road
- Walter Sisulu Road (Van Schalkwyk Street to Stals Road)
- Pres. Paul Kruger Avenue traffic circle
- George Lubbe Street traffic circle

- (3) A person who intends to display a sign must verify that the sign may be displayed in a particular area of control as identified in the Schedules.
- (4) 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 program 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 program;
  - (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 program 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.
- (5) 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 zoning of the area or erf in or on which the event is to be held;
  - (b) the area of control where it is proposed to display the sign;
  - (c) the nature of the event;
  - (d) the duration of the erection or display of the sign;
  - (e) the size of the proposed sign;
  - (f) any traffic, safety, environmental or heritage impact assessment as may be required by the municipality; and
  - (g) the outcome of any public participation process, if so required by the municipality.

- (6) Where any contradiction, ambiguity or vagueness in the by-laws may occur, the interpretation of the Head: Planning is final and binding.

## 6. Signs, requirements and conditions

The schedules in section 7 have effect and -

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

## 7. Schedules

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

- (a) Billboards and other high-impact free-standing signs, comprising -

- (i) Schedule 1, super billboards;
- (ii) Schedule 2, custom-made billboards;
- (iii) Schedule 3, large billboards;
- (iv) Schedule 4, electronic signs,
- (v) Schedule 5, gantry billboards,
- (vi) Schedule 6, small billboards and tower structures;

- (b) Posters and general signs, comprising –

- (i) Schedule 7, street furniture;
- (ii) Schedule 8, banners, flags and inflatables;
- (iii) Schedule 9, estate agents' boards;
- (iv) Schedule 10, auctioneering signs; sale of goods or livestock signs;
- (v) Schedule 11, lampposts, pavement posters and notices;
- (vi) Schedule 11, project replica's and three dimensional signs;

- (c) Signs on building, structures and premises

- (i) Schedule 17, sky signs;
- (ii) Schedule 18, roof signs;
- (iii) Schedule 19, flat signs;
- (iv) Schedule 20, projecting signs;
- (v) Schedule 21, veranda, balcony, canopy, and under-awning signs;
- (vi) Schedule 22, signs at educational facilities
- (vii) Schedule 23, signs on forecourts of business premises;
- (viii) Schedule 24, signs for residential-oriented land use and community services;
- (ix) Schedule 25, on-premises business signs;
- (x) Schedule 26, signs on towers, bridges and pylons, and
- (xi) Schedule 27, building wraps and signs on construction site boundary walls and fences;

- (d) Signs for tourists and travelers, comprising -

- (i) Schedule 30, sponsored road traffic projects signs;
- (ii) Schedule 31, service facility signs;
- (iii) Schedule 32, tourism signs,
- (iv) Schedule 33, functional advertising signs by public bodies;

- (e) Mobile signs, comprising –

- (i) Schedule 34, aerial signs;
- (ii) Schedule 35, vehicular advertising;
- (iii) Schedule 36, trailer advertising; and

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

## 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:
- (aa) apply for approval by completing the necessary application form and comply with all the other requirements and conditions which are specified in the application form;
- (bb) provide any additional information required by the Municipality such as drawings, calculations, impact studies or any other information required to evaluate the application.
- (iv) must obtain the written approval from the municipality before such a sign is displayed, subject to the prescribed special conditions for the display of the sign;
- (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 an automatic right to use the land solely for the purpose of advertising. An applicant who desires to conduct an outdoor advertising activity on a leased land must fulfil substantial compliance requirements for outdoor advertisement in line with this By-Law.
- (6) A person who intends to display a sign, is required -
- (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 favor of the municipality and the municipality’s service providers.

## **9. Regulated deemed consent**

- (1) A regulated 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 deemed consent to display a sign is not absolute and the municipality must give consent as part of its compliance control and assurance.
- (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.
- (5) The National and Provincial Departments and/or its entities must comply with the requirements of this By-Law as contemplated in schedule 13 of this By-Law and other regulatory framework.
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**10. Specific consent, application, factors which municipality may consider, and renewal**

- (1) A person who intends to display a permanent or temporary 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 30 working days after the application form has been lodged, send an acknowledgment of receipt of the application.
- (6) The municipality must, within 60 working days notify the applicant in writing if consent has been refused or granted only if all the relevant documentation were provided. The municipality has an additional 30 working days to evaluate an application if the application had to be circulated internally for comments.
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- (7) If consent is granted, the municipality must forward a notice of approval and specify in the notice of approval, the conditions and the duration of the term of the consent.
- (8) A sign must be displayed within 12 months after the date on which the municipality granted consent, otherwise the consent expires.
- (9) 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.
- (10) When a time period, which was specified in the approval expires, an application for renewal must, at least 60 days, prior to the expiry, be submitted for consideration of approval should a person who displays a sign elect 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.
- (11) 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.
- (12) 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) no longer complies with any provision of these by-laws; or
  - (c) 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, nor the need for a Court order;
- (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;
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- (h) 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;
- (5) Merchandise may not be displayed for purposes of advertisement in an area that has not been approved by the Council for the display of merchandise.

#### **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.
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**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, depending on the requirements of this section, and no application fees are payable for signs that are exempted signs.
  - (2) Exempted signs that are not displayed towards public places may not be aesthetically displeasing if visible from any public place.
  - (3) Display of the following signs is exempt from the provisions of these by-laws and an application need not be submitted to the municipality:
    - (a) any price ticket which is smaller than 0,01 square meters on an item that is displayed in a shop-window;
    - (b) a road traffic sign which is displayed in terms of an Act of Parliament, Provincial legislation, or By-law;
    - (c) a sign which is displayed as required in terms of an Act of Parliament, Provincial legislation, or By-law;
    - (d) 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.
  - (4) The following signs may be exempted from the stipulations of these by-laws, but an application for approval of the display of these signs in terms of the by-laws must be submitted to the municipality:
    - (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;
    - (b) A sign which is displayed inside a building at a distance of more than two meters 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 ;
    - (c) a banner or flag that is carried through the streets as part of a procession;
    - (d) on Municipal land, a sign which is owned by the municipality and displayed on the initiation of the municipality;
    - (e) 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.
  - (5) An application for exemption, must, where applicable, must be lodged with the municipality explaining the purpose for which it is lodged and reasons why an exemption is sought.
  - (6) The Municipality must consider the application so made and the Municipal Manager must consider the application and make a decision within 21 days.
  - (7) If the applicant is aggrieved by the decision of the Municipal Manager, He/She/It must appeal to the Executive Mayor within 07 days of receipt of the Municipal Manager's decision.
  - (8) The Executive Mayor must consider the appeal and may in doing so, invite either of the parties to make an additional representation.
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- (9) The Executive Mayor must make the decision within 14 days and accordingly inform the parties of the final outcome.

**16. Prohibited signs**

- (1) The following signs may not be displayed or caused to be displayed:
- (a) a walking poster;
  - (b) a swinging sign, except with the express written permission of the Municipality;
  - (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) aesthetically unpleasing signs 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 by giving offence or display nudity;
  - (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 written 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 any prohibited areas.
- (4) No person or business may without the written consent of the municipality, display a sign of any nature or in any manner directed at the public 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;

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- (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 meters or in the case of a cycle circulation route the clear height exceeds 3,0 meters ;
  - (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 is 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 millimeters and must increase in size by 25 millimeters for every 15 meters distance away from the road\_reserve boundary of the adjacent road.
- (c) Street numbers attached to the perimeter boundary or wall of a property 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.
- (4) High impact signs displayed along roads must be spaced at the following minimum distances:
- (a) on a road with a speed limit of 81 kilometers per hour and higher, there must be a minimum distance of 250 meters between signs;
  - (b) on a road with a speed limit between 61 kilometers per hour and 80 Kilometers per hour, there must be a minimum distance of 200 meters between signs; and
  - (c) on a road with a maximum speed limit of 60 kilometers per hour , when the signs are in view of each other, there must be a minimum distance of 120 meters between signs.

#### 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;
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- (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 treatment 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 eight millimeters thick.
- (b) Glass panels used in signs may not exceed 0,9 square meters 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 Mangaung 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;
  - (b) may not be suspended across a road, with the exception of –
    - (i) a sign contemplated in section 7(1) (b)(iii) being a sign in Schedule 9, gantry billboards; 7(1)(c)(i), being a sign in the class 3(a) (sky signs); and
    - (ii) 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 street-scaping project;
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- (c) may not be displayed within or suspended above a road reserve or within a distance of 50 meters 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) project boards that concern road construction
  - (ii) sponsored road traffic projects signs
  - (iii) tourism signs
  - (iv) street name advertisement signs may be displayed within a road reserve of a proclaimed main road other than a freeway
  - (v) 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.
  - (vi) signs on street furniture
  - (vii) street furniture
  - (viii) lamp posts , pavement posters and notices
  - (ix) neighbourhood watch signs and signs relating to similar schemes
  - (x) projecting signs
  - (xi) veranda, balcony, canopy and under-awning signs
  - (xii) functional advertising signs by public bodies may be displayed within an urban road reserve other than a freeway
  - (xiii) 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
  - (xiv) gantries
- 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 39, 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 and 3 in schedule 39, with the exception of the following signs:
- i. window signs;
  - ii. street name advertisement signs;
  - iii. locality bound flat signs;
  - iv. projecting sign;
  - v. veranda, balcony, canopy and under-awning signs;
  - vi. signs incorporated in fabric of building),

Provided furthermore that a sign displayed within a restricted area at a signalised street corner as illustrated in figure 3 in schedule 39 must have a clear height of at least six meters if such sign contains the colours red, green or amber.

- (2) No advertising signage may be affixed to a lamp post except, a sign designated lamp post, pavement posters and notices;

## 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 meter, the maximum luminance level is 1000 candela per square meter;
  - (b) in the instance where the illuminated area is between 0,5 square meter and 2 square meters, the maximum luminance level is 800 candela per square meter;
  - (c) in the instance where the illuminated area is between 2 square meters and 10 square meters, the maximum luminance level is 600 candela per square meter; and
  - (d) in the instance where the illuminated area is 10 square meters or more, the maximum luminance level is 400 candela per square meter.
- (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 minimize 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 2,1m<sup>2</sup>, which size may be waived up to a maximum size of 18m<sup>2</sup> in any such area that is not visible from a public road, 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 or video images.
- (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 signs are placed:
- (a) A super billboard;
  - (b) a custom-made billboard;
  - (c) a large billboard;
  - (d) a small billboard;
  - (e) a tower structure;
  - (f) street furniture advertisement;
  - (g) a temporary advertisement;
  - (h) a product replica;
  - (i) a three-dimensional sign;
  - (j) a flat sign;
  - (k) a roof sign;
  - (l) gantry billboards
  - (m) a sign painted on a wall or roof;
  - (n) a sign incorporated in the fabric of a building;
  - (o) a sign on a tower, bridge or pylon;
  - (p) an advertisement on a construction site boundary wall and fence; and
  - (q) 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.
- (8) Electronic signs may not be placed in such a manner that it is visible from any unlit urban freeway.

## **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.
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- (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 terminate the contract with the contractor, after which –
    - (i) the contractor has no right to a sign agreed upon 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 –
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- (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;
- (b) The person who displays a locality bound sign must immediately remove the sign where a sign is displayed on a site where there is a change in the nature of the business, industry, trade or profession which is conducted on the premises.
- (c) Where a sign is displayed on a site where, there is a change of ownership or occupancy of the premises on which the sign is displayed, 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. For purposes of enforcement of this subsection, the Municipality is entitled to enter upon its own property or private property to remove a sign, without a court order authorising it to do so.
- (5) The municipality may, without prior notice and without a Court order, remove, confiscate, and destroy any sign if the sign constitutes a danger to life or property, or causes an obstruction of visibility to traffic or to a road traffic sign on or adjacent to any public road.
- (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 and forms part of the Municipality's official tariffs and is included in the municipality's list of tariffs.
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- (9) The Municipality may, in addition to other fines, charge a fine, as determined by Council from time to time, per day per square meter of signage for every unpermitted sign displayed.
- (10) 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, which would include storage costs are according to the tariff determined by the Council from time to time.
- (11) 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 by the Municipality in terms of this by-law;
  - (iii) any requirement set out in a notice in terms of sections 8(4)b), 9(4) or 11(2);
  - (iv) any lawful instruction or notice given in terms of this By-law.
  - (v) threatens, resists or interfere with or obstructs any authorised official in the performance of his/her official duties and/or functions in terms of this By-law.
- (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, and in addition to a fine per day per square meter of signage displayed for an unpermitted sign.
- (6) The Municipality may, hold back the processing of any application in terms of these By-laws, of a person continuing to display an unpermitted sign, or continuing a transgression contemplated in these By-laws of an provision thereof, until such transgression and, or display is ceased.

## 27. Right of appeal

- (1) A person who is of the opinion that his or her rights are affected by a decision of a Head: Planning or his/her delegated official may appeal against that decision by submitting a written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.
- (2) When the appeal is against a decision taken by –
- Head: Planning or his/her delegated official, the appeal authority is the Municipal Manager whose decision will be final and binding.
- (3) 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 occurred as a result of the decision.
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- (4) The Municipal Manager must commence with an appeal within four weeks and decide the appeal within two weeks, after the receipt of the lodging of the appeal.
- (5) 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. Billing of advertising**

- (1) All advertising will be billed from the time that the sign was erected until the time the sign is removed or the application is cancelled (whichever is earlier).
- (2) All advertising will be billed in accordance with the municipality's published schedule of tariffs and charges as approved by the municipal council from time to time. The billing shall include instances where the property owner has placed an advertorial sign on his/her or its private property.
- (3) Application by each estate agency (as noted under section 7(1)(b)(iii)) 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 published schedule of tariffs and charges.
- (4) The municipality will continue to bill the applicant as noted under section 28(3) annually until the application has been cancelled by the applicant.
- (5) In order for the applicant to cancel their application, proof that all advertising has been removed has to be provided, by the applicant, at the time of the cancellation.
- (6) Lack of the servicing of the debt by the applicant will be dealt with in accordance with the approved credit policy which the municipal council reviews on an annual basis.

## **29. 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 does 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.

## **30. 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 the relevant Provincial or National legislation dealing with such requirements, and required by the said relevant department of Provincial or National Government.
- (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 as a prerequisite and departmental sector requirement 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.

## **31. 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.

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### 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. Amendments

- The Outdoor Advertising By-laws of the Mangaung Local Municipality, promulgated on the 21<sup>st</sup> November 2008 under Local Government Notice No.77 of 2008, are hereby amended by the amendment by-law promulgated during September 2015.
- Anything done under or in terms of any provision amended by subsection (1) above is deemed to have been done under the corresponding provisions of these By-laws and such amendment does not affect the validity of anything done under the By-laws so amended, so far as they are not inconsistent with the provisions of these By-laws.
- Any application lodged in terms of the provisions amended in terms of subsection (1) above, and pending before the municipality at the commencement of amended provisions By-laws, shall be dealt with in terms of the provisions of these amended By-laws.

### 34. Short title and Commencement

These By-laws are called the **Mangaung, Outdoor Advertising By-laws**, comes into operation on the date of publication thereof in the Provincial Gazette.

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## SCHEDULES

### SCHEDULE 1

#### Super billboards

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. The Municipality may require an environmental impact assessment (comprehensive impact assessment report), 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 and the relevant authority in accordance with the stipulations of Section 29(1) of these By-laws.
  4. Any billboard containing animation and larger than 20 square meters is regarded as a Super Billboard and must comply with the requirements of this Schedule.
  5. A sign, (excluding signs with animation) may be larger than 40 square meters but may not exceed a maximum size of 81 square meters per face.
  6. The clear height of the advertising structure may not be less than 2,4 meters and the top of the display may not exceed 25 meters in height.
  7. 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.
  8. A sign must be displayed perpendicular to the direction of oncoming traffic.
  9. A minimum distance of 5 kilometers between signs displayed on the same side of the road and signs visible in the same direction of travel must be maintained.
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10. (a) No sign may be erected within a radius of 200 meters from the centre of an intersection on an arterial road, or within a radius of 100 meters 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 39 must be increased by 25 percent.
11. Subject to the provisions of section 18, 19(4), 21(1)(e) and 22, illumination and animation of a sign is allowed a sign is allowed, subject to the maximum sizes allowed for animated signs.
12. 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).
13. The municipality may approve for the display of a sign for a period ranging from one to five years, and shall not grant approval for an indefinite period.
14. Road safety principles will be taken into consideration when determining letter sizes and the length of messages.
15. Signs in this class may not be located within any road reserve.
16. 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**

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. The Municipality may require an environmental impact assessment (comprehensive impact assessment report), 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 and the relevant authority in accordance with the stipulations of Section 29(1) of these By-laws.
4. A custom-made billboard may not exceed a maximum size of 54 square meters per face, and may feature special effects such as internal illumination, special character cutouts and three-dimensional representations.
5. The clear height of the advertising structure may not be less than 2,4 meters, and the top of the display may not exceed 13 meters in height .
6. The height of a custom-made billboard is measured from the normal ground level to the top of the display, including the height of the supporting structure below the sign.
7. 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 meters from the centre of an intersection on a arterial road and within a radius of 50 meters from the centre of an intersection on any lower-order road; and
  - (f) Spacing requirements must be in accordance with section 18 regarding high impact signs.
8. Signs located in the vicinity of a traffic intersection in a radius of 25 meters from the centre of the intersection may not contain the colours red, amber or green if such colours will constitute a traffic hazard.

9. Internal and external illumination is allowed in accordance to sections 18, 19(4), 21(1)(e) and 22.
10. No animation 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. Signs in this schedule may not be located within any road reserve.
13. 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.
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 3**

#### **Large billboards**

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. The Municipality may require an environmental impact assessment (comprehensive impact assessment report), 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 and the relevant authority in accordance with the stipulations of Section 29(1) of these By-laws.
  4. A large billboard may not exceed a maximum size of 40 square meters per face.
  5. The clear height of the advertising structure may not be less than 2,4 meters and the top of the display may not exceed more than 8, 5 meters in height.
  6. The height of a large billboard the advertising structure is measured from the normal ground level to the top of the display, including the height of the supporting structure below the sign.
  7. 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) Spacing requirements must be in accordance with section 18 regarding high impact signs.
    - (e) a maximum of two billboards may be displayed in the vicinity of a road intersection;
    - (f) No billboard may be displayed within a radius of 100 meters from the centre of an intersection on an arterial road and within 50 meters from the centre of an intersection on any lower-order road.
  8. Internal and external illumination is allowed in accordance to section 18, 19(4), 21(1)(e) and 22.
  9. No animation of a sign in this class is allowed.
  10. Signs in this class may not be located within any road reserve.
  11. Signs located in the vicinity of a signalised traffic intersection may not contain the colours red, amber or green if such colours will constitute a traffic hazard.
  12. 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).
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13. 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.
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**

##### **ELECTRONIC SIGN**

1. A sign may be displayed in an urban area of partial and minimum control only.
2. Display of a sign is subject to specific consent.
3. The Municipality may require an environmental impact assessment (comprehensive impact assessment report), 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 and the relevant authority in accordance with the stipulations of Section 29(1) of these By-laws.
4. An electronic sign may not exceed a maximum size of 18 square meters.
5. The clear height of the advertising structure may not be less than 2,4 meters, and may not exceed 8,5 meters in height .
6. The height of the advertising structure is measured from the normal ground level to the bottom edge of the advertising sign, including the height of the supporting structure below the sign.
7. 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; when the signs are located on different sides of the road;
  - (e) the display of a billboard is not permitted within a radius of 100 meters from the centre of an intersection on an arterial road and within a radius of 50 meters from the centre of an intersection on any lower-order road; and
8. A sign must comply with the stipulations of sections 18 and 19.
9. A sign may not have animation or displays which change more than once every 6 hours or contain any subliminal flashes.
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. Signs in this class may not be located within any road reserve.
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. 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**

##### **GANTRY BILLBOARDS**

1. A sign may be displayed in an urban area of partial and minimum control only.
  2. Display of a sign is subject to specific consent.
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3. The Municipality may require an environmental impact assessment (comprehensive impact assessment report), 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 and the relevant authority in accordance with the stipulations of Section 29(1) of these By-laws.
4. Gantries must have a minimum height of 6m above the level of the street below. The gantry advertising sign may not exceed 3 meters in height.
5. The vertical supporting structures of gantries may not be used for advertising.
6. The supporting structures and beams of gantries must be designed in such a way that it forms an aesthetically pleasing component of the gantry itself, which design must be approved by the Municipality.
7. Vacant advertising space may not be advertised on a gantry.
8. No animation, 3D- replicas or cut-out silhouettes are allowed on gantries.
9. No more than one advertisement may be displayed per direction on a gantry and the minimum height of letters on the sign may not be less than 200 millimeter.
10. Lighting units and their supports may not be located lower than the lower edge of a gantry and must be in accordance to the requirements in section 18, 19, 21 and 22.
11. Gantries are not allowed within 300 meters of signalized traffic intersections where overhead traffic lights had been installed.
12. Gantries may not be closer than 200 meters from a traffic intersection along an arterial road and closer than 150 meters from a traffic intersection on a lower order road.
13. Gantries may not be located closer than 2 kilometers along the same street, except for gantries which form part of official streetscaping projects, which may be located closer together.
14. 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) as well as the National Building Regulations.
15. 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.
16. Maintenance should be done on a continuous 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 6**

### **Small billboards and tower structures**

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. Display of a sign that forms part of the parking layout of a business centre and is not visible from a passing road is not subject to specific consent.
  4. Subject to the approval to display signs in terms of these by-laws, these signs may be displayed on sport's fields and grounds of sport clubs, subject to the following conditions:
    - (a) a maximum of two signs per street frontage are allowed, signs must be 100 meters apart;
    - (b) the sign may not be erected closer to 15 meters from any intersection;
    - (c) at least 35% of the sign-artwork should display the name of the sport's club and events to be presented at the club;
    - (d) a sign may not exceed a maximum size of 18 square meters, and a maximum height of 3,5 meters.
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5. A panel or board on a tower structure may not exceed a maximum size of 5 square meters. The clear height of a tower structure may not be less than 2,4 meters, and the maximum height of such a structure may not be more than 5 meters.
6. 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.
7. 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.
8. 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).
9. 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.
10. A sign may not identify the location of specific enterprises or contain any directional signage.
11. A sign may not be displayed on property zoned for residential or residential orientated use.
12. Signs in this class may not be located within any road reserve.

## **SCHEDULE 7**

### **Street furniture**

1. A sign, except a litter bin, may be displayed in all areas of control.
  2. Display of a sign is subject to specific consent.
  3. Advertising of products, companies or services are allowed.
  4. 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.
  5. 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.
  6. 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 in such locations as approved in writing by the municipality;
    - (b) 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 60 kilometers per second.
    - (c) litterbins may not be placed on traffic islands.
    - (d) litterbins may not be located closer than 1 meter from the edge of a public road.
    - (e) 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.
    - (f) An advertisement on a litter bin should be aimed at pedestrians and not motorist.
    - (g) Approval of a litterbin site does not grant the applicant an indefinite right to advertise on the particular site.
    - (h) 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.
  7. A sign on street furniture may not exceed 2,2 square meters in area, provided that where a sign is double sided and faces in more than one direction, the total area may not exceed 4,4 square meters.
  8. Street furniture carrying an advertisement may not exceed a maximum height of 3 meters.
  9. 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 and may not contain retro-reflective material;
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- (b) a sign in this class may not be closer than 300 millimeters 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.
10. 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.
11. Illumination and animation in or on these signs are not allowed.
12. Street furniture must make a positive contribution to streetscaping.
13. Street furniture higher than 3 meters may be used only as focal points.

### **SCHEDULE 8**

#### **Banners, flags and inflatables**

1. A banner, flag, teardrop flag or inflatable may be displayed in all areas of control.
  2. Display of a banner, flag, teardrop flag or inflatable is subject to specific consent.
  3. No portion of any sign in this schedule may be displayed inside or above a road reserve.
  4. No illumination or animation for a sign in this schedule is allowed.
  5. 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.
  6. 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.
  7. Banners and flags carried through the streets as part of a procession are excluded from the requirement of this schedule.
  8. No banner, flag, teardrop flag or inflatable may be displayed along streets with a speed limit of more than 60 km/h.
  9. The following restrictions apply to flags:
    - (a) subject to item 21, the display of a national flag of any country is excluded from conditions stipulated in this schedule. A national flag may not carry on the flag or flag-staff any advertisement or subject matter additional to the design of the flag;
    - (b) a flag may be used for commercial advertising and may only display the name or logo of the enterprise on the premises;
    - (c) a maximum of 4 flags per road frontage may be displayed;
    - (d) a flag may not exceed a maximum sign area of 2 square meter;
    - (e) a flag must be higher than 2.5 meters from the ground;
    - (f) 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.
  10. The following restrictions apply to banners:
    - (a) A banner may only be used for locality bound advertising of functions or events conducted for religious, educational, social, welfare, animal welfare, sporting, civic or cultural purposes or functions or events relating to municipal, provincial or parliamentary elections or referenda, and for decoration of the streetscape in urban areas such as pedestrian malls.
    - (b) A banner shall not be used for commercial advertising.
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- (c) A banner must be attached to or supported between poles or other supports on the premises or against the building, wall or fence where the function or event is to be held, or be attached to a structure specifically designed for this purpose. A banner shall not be attached in such a manner as to compromise the structural stability of the structure to which it is attached.
- (d) A sponsors' name or logo may occupy no more than 20% of the advertising area on a banner.
- (e) Banners may not be suspended across a road or between street lamp poles or traffic signs or be affixed to a bridge spanning over a road.
- (f) Only one banner per event per premises may be displayed.
- (g) A banner may not be larger than 6 square meters in size.

11. The following restrictions apply to teardrops

- (a) a teardrop flag may not be larger than 2,2 square meters.
- (b) a maximum of two teardrops may be displayed per premises.
- (c) no sign may be displayed within the road reserve.
- (d) a sign may not obstruct the view of a motorist or pedestrian.
- (e) only the name or logo of the enterprise or 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.
- (f) a sign may be used for commercial advertising but only the name or logo of the enterprise or product may be displayed on the sign. 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 may be displayed on the sign.

12. 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:

- (a) **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 8m<sup>2</sup>
- (b) **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 11m<sup>2</sup>
- (c) 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.
- (d) 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.
- (e) Signs closer than 30meters 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

- (f) One inflatable may be displayed per event, enterprise or function in an urban area of partial control and an urban area of minimum control.
- (g) No sign shall exceed a height of 10 meters taking in consideration that the height of the signs shall be of such a nature as to limit its display to spectators and visitors to a specific event, festival or exhibition.
- (h) A sign shall not be aimed at passing motorized traffic.
- (i) An inflatable shall not be positioned in such a way that it prevents the utilization or accessibility of any parking bay that had been provided on the site in terms of an approved building plan.

**SCHEDULE 9**  
**Estate agents' boards**

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:

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- (a) In a residential area in an area of maximum and partial control, a total area of 0,55 square meter for a single board, or a total area of 0,65 square meter for two joined boards;
    - (b) in agricultural area a total area of 2 square meters for a single board.
    - (c) in an area of minimum control, a total area of 2,8 square meters for a single board.
  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 30 days only.
  6. Not more than three estate agents may display their signs simultaneously on the same premises.
  7. At a townhouse complex only one estate agent sign per estate agency may be displayed at the entrance gate of the complex, with a maximum of 6 signs permitted that the signs are not a hazard to pedestrians or traffic.
  8. The sign may be –
    - (a) placed at or fixed to the building concerned only;
    - (b) attached to the boundary fence of the premises or erected within 500 mm of the boundary fence concerned only; or
    - (c) displayed within the boundaries of such premises only;
  9. No sign affixed to the boundary wall of a property may at any point project more than 0,5 meter from the wall of the building or structure to which it is affixed.
  10. A sign may not be displayed on the centre median of a road or on any traffic island.
  11. No specific limitations are imposed as to the colour or texture of a sign.
  12. Illumination or animation of a sign is not permitted.
  13. 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.
  14. Any estate agent sign unlawfully erected, or in contravention of the provisions of this Schedule, is subject to a contravention-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 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 or photo, address and telephone number of the selling or letting agent, and the words 'For Sale', 'To Let', 'Sold' or 'On Show'.  
The wording "Sole Mandate" may only be used on "For Sale" boards.
  18. No balloon or any other object which aim is to draw attention of a person to the sign may be displayed.
  19. The following are allowed only for show houses, from 12 am on Friday until 20:00 pm on Sunday:
    - (a) 1 estate agent "on show" board per property, which sign must be located on the erf boundary or within the property concerned;
    - (b) 1 teardrop flags per property located on the erf boundary of the property concerned;
    - (c) A maximum of 4 Teardrop flags may be utilized if these are located within the erf boundary
  20. Township development signs may be erected on the vacant land to be developed, subject to specific consent of the municipality, with the following maximum sizes:
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- (a) 8 square meters where the land to be developed is bigger than 3 000 square meters;
- (b) 12 square meters where the land to be developed is bigger than 5 000 square meters;
- (c) 15 square meters where the land to be developed is bigger than 10 000 square meters.

#### **SCHEDULE 10**

##### **Auctioneer signs; Sale of goods or livestock signs**

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 meters; and
  - (b) in an urban area of minimum control, 2,8 square meters.
5. No part of a sign may be higher than 3 meters 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 may be displayed 10 days prior to the auction or sale and must be removed no later than 2 days after the auction or sale.
11. The following information may be allowed on a sign in this class:
  - (a) The name of the auctioneering firm/ company;
  - (b) The date of the auction;
  - (c) The nature of the auction/ sale;
  - (d) The address where the auction/ sale will be held;
  - (e) Relevant contact details.

#### **SCHEDULE 11**

##### **Lampposts, Pavement posters and notices**

1. A sign may be displayed in all urban area of control.
  2. Display of a sign is subject to specific consent.
  3. A poster may not exceed 1.00 square meter in size.
  4. Only community based advertising and posters for national or local elections will be allowed on certain designated lampposts situated within the Municipality.
    - (a) Applications for the display of temporary advertisements on lampposts must be lodged with the municipality at least 14 days prior to commencement of advertising and must be accompanied by the prescribed fees for periods not longer than 14 days;
    - (b) Applications for the display of advertisements on lampposts for periods of between 15 days and 5 years must be lodged with the municipality at least 14 days prior to commencement of advertising and must be accompanied by the prescribed fees;
    - (c) The municipality will designate lampposts in areas of minimum and partial control on advertising will be allowed;
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- i. No person may erect any hoarding, poster or signs on any lamppost which hoarding, poster or sign was not approved by the municipality, or on a lamppost that was not approved by the municipality;
  - ii. The municipality will issue a unique identification number or mark for each individual advertisement, which number or mark must be incorporated in the display of the advertisement;
  - iii. No lamppost advertising will be allowed in the prohibited areas, natural or rural areas or in such areas that the municipality may deem it to be aesthetically displeasing;
- (d) All lamppost advertisements must be mounted in hoardings, except for political posters, the following apply to the hoardings:
- i. All hoardings must be made from material prescribed and approved by the municipality;
  - ii. The outer dimensions of the hoardings must be 1135mm x 1478mm
  - iii. The formal advertising space may not exceed 1118mm x 900mm;
  - iv. No part of a sign or hoarding may be erected closer than 2 meters from any light fixture;
  - v. A clear height of 2,4 meters above ground level must be maintained;
  - vi. The sign, hoarding or brackets may not cover any municipal markings or cover plates on electric light standards;
- (e) No signs may be erected on any median island or traffic island bordered by more than one road or street;
- (f) Signs may not be attached to more than two consecutive lampposts;
- (g) No sign may be erected closer than 20 meters to any priority controlled intersection, measured from the nearest reserve boundary;
- (h) No sign may be erected closer than 50 meters from any signalized traffic intersection;
- (i) No advertisement may be erected on any structure or pole containing any road traffic signage;
- (j) The display of road traffic signage takes precedence over that of advertisements and should it become necessary for the municipality to erect any road traffic sign at a position where subparagraph(g) will be contravened, the advertiser will be responsible to remove the sign within 7 days after being instructed to do so;
- (k) The contents of the advertisements shall comply with the following:
- i. Only legible fonts with a minimum letter size of 80 millimeter will be allowed within road reserves;
  - ii. The display may not include any graphics, message or suggestions of an indecent or immoral nature;
  - iii. No advertisement may resemble any road traffic sign as far as layout or colours are concerned;
- (l) No illumination of the signs are allowed;
- (m) No form of retro-reflective material may be used;
- (n) The total number of signs allowed will be determined by the municipality from time to time;
- (o) Only one hoarding is allowed per pole or electric standard per traffic direction;
6. 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.
7. 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.
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8. No steel or aluminum 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.
9. 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 500 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
10. The name of the organization, the date of the function and the venue must appear on the poster in letters not smaller than 50 millimeters 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.
11. 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
12. 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.
  - (a) Newspaper publishers may apply for exemption from certain stipulations of these by-laws to advertise the headline stories.
  - (b) No poster sign or advertisement in this schedule may be displayed unless the prescribed deposit or tariff fees have been paid and approval has been granted by the municipality.

## **SCHEDULE 12**

### **Product replicas and three-dimensional signs**

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 displayed within a road reserve.
  4. The highest point of any free-standing sign may not be more than 3 meters above ground level.
  5. Individual signs may not exceed a vertical dimension of 1,5 meters and a diameter of more than 1 meter.
  6. 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 meters in an urban area of partial control, and a total sign area of 6 cubic meters in an urban area of minimum control.
  7. 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.
  8. A sign may not be placed in front of or obstruct the view from any window or any other external opening of a building.
  9. Items 6 and 7 do not apply to entertainment districts.
  10. Spacing requirements shall be in accordance with section 18 regarding high impact signs.
  11. Subject to section 18(2)(h) no specific limitations are imposed on the color or texture of a sign.
  12. Subject to the provisions of section 18(1), 19(4) and 22, illumination or animation of a sign is allowed.
  13. A product replica may not dominate prominent architectural features of a building, with the exception of buildings in entertainment districts.
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**SCHEDULE 13**

**Sky signs**

1. A sign may 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 (basic impact assessment report), 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 meters, unless the municipality, after being requested therefore in writing, grants an exemption for a sign up to a maximum size of 300 square meters.
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 center 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 City.
8. In the instance where cluttering of signs occurs, the municipality may by written notice in terms of section 11 require the person who displays a sign to remove the sign within a specified period.
9. No specific limitations are imposed on the color 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 from the municipality, who may require the submission of an updated impact assessment if the proposed changes have the potential to increase the impact of the sign.

**SCHEDULE 14**

**Roof signs**

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 meter 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 furthest 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:

Height of sign above the ground	Maximum sign area
Less than 6 m	2 m <sup>2</sup>
6 m and higher but less than 9 m	4 m <sup>2</sup>
9 m and higher but less than 12 m	8 m <sup>2</sup>
12 m and higher but less than 18 m	12 m <sup>2</sup>
18 m and higher	18 m <sup>2</sup>

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.

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7. A sign may not exceed 300 millimeters 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 in this class will be allowed on residential buildings.

## SCHEDULE 15

### Flat signs

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. Only a locality-bound sign may be displayed in a maximum control area.
  2. Display of a sign is limited to buildings utilized for commercial, office, industrial or entertainment purposes, and larger accommodation facilities, which consists of more than 200 dwellings/ apartments.
  3. A sign in excess of 40 square meters 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.
  4. 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.
  5. 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-orientated accommodation.
  6. 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 30 percent of a specific ground-floor facade of the enterprise;
    - (b) 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; and
    - (c) in the case of a non-locality-bound sign, the sign may not exceed 81 square meters, 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.
  6. The maximum projection of any part of a sign over a footway or ground level is 75 millimeters where the sign is less than 2,4 meters above the sidewalk or ground level immediately below the sign, and 600 millimeters where the sign is more than 2,4 meters above such footway or ground level, subject to the payment of encroachment fees, where applicable.
  7. No more than one sign per enterprise may be displayed in an area of maximum control and no more than two flat signs per enterprise may be displayed in an area of partial control and an area of minimum control.
  8. A sign may consist of a panel or sheet or of individual numbers, letters or symbols.
  9. A sign may not extend above the top or beyond either end of a wall.
  10. A sign may be attached to a flat wall surface only.
  11. A non-locality-bound sign may be attached to the side wall of a building only.
  12. 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:
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- (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 at no point project more than 300 square millimeters from the surface of the main wall.
14. No limitations are imposed on the colour or texture of a sign.
15. Subject to the provisions of section 18(1), 19(4) and 22, illumination of a sign is allowed.
16. 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 16**

##### **Projecting signs**

1. A sign may be displayed, subject to specific consent, in all urban area of 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, which consists of more than 200 dwellings/ apartments.
  3. Only a locality-bound sign may be displayed.
  4. A projecting sign may not be affixed at a clear height of less than 2,4 meters.
  5. A projecting sign may not exceed 300 millimeters in thickness.
  6. The maximum size and dimension of a sign displayed is as follows:
    - (a) Where the clear height of the sign is below six meters, the maximum size of the sign may not exceed 2,4 square meters, the maximum horizontal width may not exceed 1,5 meters, and the maximum vertical length may not exceed three meters; and
    - (b) where the clear height of the sign is above six meters, the maximum size of the sign may not exceed eight square meters, the maximum horizontal width may not exceed two meters, and the maximum vertical length may not exceed five meters.
    - (c) A sign may not project at any point more than 800 millimeters 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.
  7. Only one sign may be displayed per enterprise facade.
  8. 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.
  9. 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 meters, the maximum size of the sign may not exceed 1,2 square meters, the maximum horizontal width may not exceed one meter, and the maximum vertical length may not exceed 1.5 meter; and
    - (b) where the clear height of the sign is above six meters, the maximum size of the sign may not exceed four square meters, the maximum horizontal width may not exceed 1,5 meter, and the maximum vertical length may not exceed three meter.
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10. 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.
11. A sign may not be affixed otherwise than at right angles to the street line.
12. 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.
13. A sign may be suspended above a sidewalk and thus above an urban road reserve.
14. 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.
15. Subject to section 18(h)(2) no specific limitations are imposed on the colour or texture of a sign.
16. Subject to the provisions of sections 18(1), 19(4) and 22, illumination of a sign is allowed.
17. The provisions of section 21 apply with regard to an illuminated sign within a restricted area on a street corner.
18. 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.

#### **SCHEDULE 17**

##### **Veranda, balcony, canopy and under-awning signs**

1. A sign may be displayed, subject to specific consent, in all urban area of control, and at centres of economic activity in a rural area of maximum control.
  2. If a sign is affixed flat onto:
    - (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 millimeters from the surface to which it is affixed;
    - (ii) exceed a depth of 750 millimeters and a length of 2,4 meters; and
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- (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.
3. Not more than one of the signs contemplated in item 2(a) – (g) may be displayed per enterprise facade, except in the case of an enterprise with a facade exceeding 20 meters in length, in which case –
- (a) more than one sign may be displayed;
  - (b) the signs must be spaced at a minimum of six meters intervals; and
  - (c) the total sign length per enterprise facade is limited to four square meters.
5. A sign on a balcony may not be displayed above the lower edge of any visible second-floor window.
6. An under-awning 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 meters;
  - (d) may not exceed a maximum sign area of 1 square meters.
7. No more than one under-awning sign may be displayed per enterprise facade, except in the case of an enterprise façade which exceeds 20 meters in length, in which case more than one sign may be displayed, and the signs must be spaced at a minimum of six meters 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 meter.
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 meter per sign face or two square meters per total sign area;
  - (c) a sign affixed flat onto a supporting column, pillar or post may not project more than 50 millimeters 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;
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- (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. Subject to section 18(2)(h), no specific 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 meters.
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 18**

#### **Signs at Educational Facilities**

1. A sign may be displayed at an educational facility in all areas of control.
2. Display of a sign with only the educational facility name on it, without any sponsors or commercial name other than the facility's name is subject to deemed consent.
3. The display of any other signs displayed at an educational facility is subject to specific consent.
4. The sign and supporting structure must harmonies with the building and other structures on the premises as far as material, colour, texture, form, style and character is concerned.
5. The sign may only indicate the name and the nature of the institution and the name and logo of the sponsor, or product or an image of the product.
6. Only one advertising structure per street front is allowed.
7. Sign structures may not be higher than 2,1 meter.
8. A maximum total area of 12 square meters is allowed per sign structure, provided that this area is divided into panels of equal size, form and construction. A maximum of 4 panels are permitted per supporting structure. No panel shall be smaller than 1.5 square meters and all advertising messages must be legible to passers-by outside the premises.
9. The sign may not be erected closer to 15 meters from any intersection.
10. Signs in this schedule may not be located within any road reserve.
11. Signs may only be erected on the premises of the educational institute within the erf boundaries adjacent to streets with a speed limit of 60km/h or less, no traffic circle or sharp road curvature may be within 20 meters from the sign.
12. A maximum of one large billboard can be allowed on the premises of an educational facility only if such a billboard complies fully with the specifications of Schedule 3 of these by-laws. Small billboards that are internally orientated can be allowed if it complies with the specification listed in these Schedules.
13. Signs other than these mentioned above, must comply with the specific requirements of these Schedules, if they resolve under a previous Schedule.

### **SCHEDULE 19**

#### **Signs for residential-oriented land use and community services**

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.
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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 meter 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 meter may be displayed, with not more than 0,08 square meter 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 meter per premises may be displayed;
    - (b) if there are more than one entrance to the premises on different road frontages, two signs may be displayed per frontage;
    - (c) where a solid supporting structure is provided, the maximum area per sign, including the supporting structure, may not exceed three square meters;
    - (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 0.5 square meter 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 0.5 square meter per enterprise.
    - (f) if name of the enterprise is incorporated into the fabric of the building the requirements in Schedule 24 must be adhered to.
  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 1 square meter 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 meters 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 meters 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 meters, 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 1 square meters per institution or community facility.
    - (e) a name or logo of a sponsor may not exceed 40% of the sign area.
  7. The highest point of any single free-standing sign may not extend three meters above ground level, and the highest point of any combination sign may not extend four meters above ground level.
  8. 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.
  9. 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.
  10. Where several smallholdings share the same unnumbered or private access road –
    - (a) 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 0.5 square meter per farm or smallholding.
  11. Where several smallholdings share an access road, a sign indicating the property numbers, names and owners may be displayed in a combination sign.
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12. 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.
13. The colour or texture of a sign must, wherever possible, harmonise with the building on the premises.
14. No animation of a sign is permitted.
15. No illumination of a sign is permitted in a rural area of maximum control.
16. The illumination of signs in urban areas of control must comply with the provisions of sections 18(1), 19(4) and 22.
17. 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.
18. 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 20**

### **On-premises business signs**

1. Subject to the provisions of section 5(4), a sign may be displayed in all areas of control.
  2. Display of a sign is subject to specific consent.
  3. 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 flat sign, projecting signs or veranda, balcony, canopy, and under-awning.
    - (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.
  4. Only one sign per enterprise may be displayed on a combination sign.
  5. 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.
  6. Display of a sign at a farm stall or an access road to a farm or smallholding in an area of maximum control is subject to the following conditions:
    - (a) A maximum sign area of two square meters 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 meters, 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 meter.
  7. 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 meters 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;
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- (c) where a solid advertising structure is used, the maximum area per sign, including the supporting structure, may not exceed nine square meters, 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 meters.
8. 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 meters and these signs shall have a clear height of not less than 2,1 meters . No panel of a stacked structure(s) shall exceed a maximum size of 4,5 m<sup>2</sup> 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 meters 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 meters, but the actual sign panel or lettering may not occupy more than 50 percent of the total sign area; and
9. 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 meters above ground level, and that of any other sign may not exceed four meters;
  - (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 meters above ground level, and that of any other combination sign may not exceed seven meters;
  - (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 meters 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 meters above ground level.
10. 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.
11. A sign displayed may not serve as an advance sign and may be displayed only on the premises where the business is conducted.
12. 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.
13. A sign indicating a roadside enterprise, such as a farm stall or a roadside café may not be closer than five meters from a road reserve fence, and such enterprise must have direct access to the public road.
14. 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.
15. No sign may obstruct the view from any adjacent building.
16. No limitations are imposed on the colour or texture of a sign.
17. 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 area of partial control and an area of minimum control;
  - (b) external illumination only is permitted in an urban area of maximum control; and
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- (c) animation is prohibited in all areas of control.
18. 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.
19. 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 Schedule 27 being a 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 21**

##### **Signs on towers, bridges and pylons**

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 and written permission for the display of the sign on a bridge structure 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.
  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.
  5. The maximum aggregate sign area per tower, bridge or pylon may not exceed 36 square meters. No sign attached to a bridge deck may extend above, below or beyond any of the extremities of the bridge deck.
  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 meters and a height of 12 meters.
  7. In the instance where a sign is displayed on a pylon, no protruding part of the sign may be less than 2,4 meters 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.
  10. No sign may be affixed to any structural column of a bridge.
  11. A sign may not project more than 300 millimeters from the main wall of a tower.
  12. Subject to section 18(2)(h) 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 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: Provided that no animation is permitted on a bridge structure that crosses a road reserve.
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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 schedule 1 to 4, being high-impact free-standing signs apply to advertising signs on cellular masts.

## **SCHEDULE 22**

### **Building wraps and signs on construction site boundary walls and fences**

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 a temporary 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 and streetscape.
2. Display of a sign is subject to specific consent.
3. For a sign exceeding a size of 40 square meters an environmental impact assessment (basic impact assessment report) must be conducted, which includes visual, social and traffic safety aspects, and be submitted by the applicant to the municipality for approval prior to display of such a sign.
4. 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 millimeters to the front of the wall or fence to which it is affixed.
5. No limitations are imposed on the colour or texture of a sign.
6. Illumination or animation of a sign is not permitted.
7. A sign may not be painted or pasted directly onto a construction site boundary wall or fence, and poster signs in must be enclosed within definite panels.
8. Signs displayed on a fence or wall must be treated as a visual unity.
9. A sign must always make a positive contribution to a particular streetscape.
10. A sign on a construction site boundary wall or fence may only be displayed for the duration of the construction, renovation or maintenance work.
11. A building wrap may only be displayed for the duration of the construction, renovation or maintenance work.
12. A building wrap may also be displayed for two weeks prior to and for the duration of an international sport, art or cultural events as referred to in section 11.
13. Project boards must also be incorporated into the signs displayed in terms of this advertising class, where possible

## **SCHEDULE 23**

### **Service facility signs**

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
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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 meters and a width of 2,5 meters, if displayed in an urban area of control;
    - (b) a height of 10 meters and a width of three meters, if displayed on a freeway; and
    - (c) a height of 20 meters and a width of six meters, 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 meters in an urban area of control;
    - (b) 6 square meters on a freeway; and
    - (c) 18 square meters 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 meters to the road reserve boundary of any road in a rural area of maximum control;
    - (b) 50 meters to the road reserve boundary of a freeway; and
    - (c) five meters 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.
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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 24**

##### **Aerial signs**

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 meters 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.
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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.
15. An advertising vehicle constructed or adapted for the display of an outdoor advertisement sign including any object attached to the car shall constitute an act of outdoor advertisement.
16. A person who wishes to display such an advertisement must apply for a permit in accordance with this by-law.
17. The Municipality is entitled to charge any person who so apply, an applicable fee on submission of each application as may be prescribed in terms of municipal rates policy.

## SCHEDULE 25

### Trailer Advertising

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, but no trailer may be parked on municipal property.
  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 12.5m<sup>2</sup> and a combined sign face area of 25m<sup>2</sup>. 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 7 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 or as prescribed by traffic legislation.
  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 06:45 to 17:30.
  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 sub-item 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 sub-item 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;
  - (v) distances to road reserve boundaries and passing roads;
  - (vi) distances to adjacent traffic intersections
  - (vii) distances to all other high impact advertising signs;
  - (viii) distances to all formal road traffic signage within a radius of 100 meter; and
  - (ix) such other details as the Municipality may require.
- (c) If the application submitted in terms of sub-item 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.
- (d) Additional measures must be implemented, where necessary, to prevent unauthorized access to the site or adjacent land.
- (e) Approval of a site on municipal or other form of public property does not give the applicant indefinite advertising rights on the site.
- (f) The normal advertising period applies, after which the applicant will have to tender against other advertisers for the advertising rights on the site.
- (g) Occupation of trailer sites is to be strictly controlled by the Mangaung Metropolitan 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 as specified in section 18;
  - (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.
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16. A trailer advertising site may not be closer than 120m to advertisements in contemplated in section 7(1)(a).
17. A trailer advertisement may display community based information such as events which are broadly cultural or of public interest and commercial advertising of products, services and companies.
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 organizations entitled to such discount as determined by the Municipality.

**[PROVINCIAL NOTICE NO. 47 OF 2019]**

**MANGAUNG METROPOLITAN MUNICIPALITY**

**PROMULGATION NOTICE**

**Environmental Health Services By-law**

Passed by Council on Tuesday, 05 March 2019  
Under Item 18.1 – 5/03/2019

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the revised set of Environmental Health Services By-laws, at the sitting dated 05 March 2019.
- 2) The reviewed Environmental Health Services By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

**Adv. Tankiso Mea**  
**City Manager**

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**BY-LAWS RELATING TO ENVIRONMENTAL HEALTH SERVICES**

**Preamble**.-WHEREAS many inhabitants of South Africa live in an environment that is harmful to their health and well-being; everyone has the right to an environment that is not harmful to his or her health or well-being;

The Local Government must promote a safe and healthy environment; The Constitution enjoins Mangaung Municipality to respect, protect, promote and fulfill the social, economic and environmental rights of everyone and strive to meet the basic needs of previously disadvantaged communities; Inequality in the distribution of wealth and resources, and the resultant poverty, are among the important causes as well as the results of environmentally harmful practices;

Sustainable development requires the integration of social, economic and environmental factors in the planning, implementation and evaluation of decisions to ensure that development serves present and future generations; everyone has the right to have environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that: prevent pollution and ecological degradation; promote conservation; and Secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development;

Mangaung Municipality other spheres of government and all organs of state must cooperate with, consult and support one another;

**AND WHEREAS** it is desirable:

That the law develops a framework for integrating good environmental management into all development activities;

That the law should promote certainty with regard to decision making by organs of state on matters affecting the environment;

That the law should ensure that organs of state maintain the principles guiding the exercise of functions affecting the environment;

That the law should be enforced by the state and that the law should facilitate the enforcement of environmental laws by civil society;

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**BE IT ENACTED** by the Municipal Council of Mangaung Metropolitan Municipality as follows:

## **ENVIRONMENTAL HEALTH SERVICES BY-LAWS**

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**CHAPTER 1**

**INTERPRETATION AND FUNDAMENTAL PRINCIPLES**

**1. Definitions and interpretation-**

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

“**adequate**” when used to describe a standard or manner in which anything required by these By-laws must be done, means the standard or manner that, in the opinion of an environmental health practitioner, is sufficient to safeguard public health, and to achieve the purpose and apply the principles of these By- laws and “adequately” has a corresponding meaning;

“**approved**” when used to describe a particular object, measure or material, means an object, measure or material which has been approved in terms of section 12 as being adequate in specified circumstances to prevent, or reduce to a level acceptable to the Council, the risk of any public health hazard or public health nuisance occurring, continuing or recurring;

“**authorised official**” means any official of the Council or a delegated person who has been authorised by the Council to administer, implement and enforce the provisions of these By-laws;

“**communicable diseases**” means any disease which can be communicated directly or indirectly from any animal or through any agent to any person or from any person suffering there from or who is a carrier thereof, to any other person;

“**Municipality**” means –

- (a) the Mangaung Metropolitan Municipality established in terms of the provisions of section 12 of the Local Government: Municipal Structures Act No. 117 of 1998, as amended, exercising its legislative and executive authority through its municipal Council; or
- (b) its successor in title; or
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or
- (d) a service provider fulfilling a responsibility under these By-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, or any other law, as the case may be;

“**Council**” means the Council of the Mangaung Metropolitan Municipality;

“**dwelling**” means any house, room, shed, hut, tent, cave, container, shelter, vehicle, boat or any other structure or place whatsoever, any part of which is used or appears intended for use by any human being for sleeping or in which any human being dwells or sleeps and “room” has a corresponding meaning;

“**environmental health**” the identification, evaluation and control of all those factors in the environment (biological, physical and chemical) that may have a deleterious effect on the health and well-being of people in the municipal area;

“**environmental health practitioner**” means an official appointed by the Council, and who is duly registered as an environmental health practitioner with the Health Professions Council of South Africa in terms of section 33(1) of the Medical Dental and Supplementary Health Professions Act, 1974 (Act No. 56 of 1974);

“**exemption certificate**” means a certificate issued in terms of section 11;

“**hot water**” means water which has a minimum temperature of 55°C at the point of discharge;

“**municipal area**” means the area under the jurisdiction of the Council;

**“municipal manager”** means a person appointed as such by the Council in terms of the provisions of 82 of the Local Government: Municipal Structures Act No. 117 of 1998

**“National Building Regulations and Building Standards Act”** means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) as amended;

**“occupier”**, in relation to any premises, means any person –

- (a) occupying the premises;
- (b) leasing the premises;
- (c) who is not occupying the premises but is entitled to do so; or
- (d) who manages the premises or a business on the premises on behalf of a person referred to in paragraph (a), (b) or (c);

**“organ of state”** means an organ of state as defined in section 239 of the Constitution of the Republic of South Africa Act, 1996 (Act No.108 of 1996);

**“owner”**, in relation to any premises, means –

- (a) the person in whose name the title to the premises is registered, and includes the holder of a stand licence; or
- (b) if the person referred to in paragraph (a) is dead, insolvent, mentally ill, a minor or under any legal incapacity, the executor, guardian or other person who is legally responsible for administering that person's estate;

**“permit”** means a public health permit issued by the Council in terms of the section 11;

**“person”** means a natural person or a juristic person, and includes an organ of state;

**“pest”** means any animal, reptile, insect or mammal, which may create a public health hazard or public health nuisance if it is present in significant numbers and without limitation, includes rats, mice, flies, mosquitoes, bed bugs, fleas, lice, termites and cockroaches;

**“potable water”** means water that complies with the requirements set out in South African National Standards 241: Water for Domestic Supplies;

**“premises”** means –

- (a) any land without any buildings or other structures on it;
- (b) any building or other structure and the land on which it is situated;
- (c) any land which adjoins land referred to in paragraph (a) or (b) and any building or other structure on the adjoining land, if that land, building or structure is occupied or used in connection with any activity carried out on the premises referred to in paragraph (a) or (b); or
- (d) any land on which a caravan park or camping ground is situated; or
- (e) any vessel, vehicle or movable structure which is used for a scheduled use;

**“prescribed fee”** means a fee determined by the Council by resolution in terms of section 75 (1) A of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended;

**“public health”** means the art and science which aim at preventing disease, prolonging life and promoting health through the organized efforts of society and includes the mental and physical health and well-being of people in the municipal area;

**“public health hazard”** means any actual threat to public health, and without limitation, includes –

- (a) the circumstances referred to in section 5 (3);
- (b) unsanitary conditions;
- (c) circumstances which make it easier for a communicable disease to break out or spread;
- (d) circumstances which make food or drink, including water for domestic consumption, unhygienic or unsafe to eat or drink; and
- (e) circumstances which allow pests to infest any place where they may affect public health;

**“public health nuisance”** means the use of any premises or place in a manner which creates conditions that significantly increase the risk of a public health hazard occurring or which compromises any aspect of public health to an extent that is more than trivial or insignificant, and without limitation, includes those circumstances in which a public health nuisance is considered to exist in terms of Schedule 1;

**“public place”** means any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden park, path, bus or taxi rank, servitude or enclosed space vested in the Council and includes any road, place or thoroughfare which is in the undisturbed use of the public or which the public have the right to use, and includes a public place as defined in the Tobacco Control Amendment Act 12 of 1999.

**“scheduled use”** means a use listed in Schedule 2.

**“proclaimed township”** means an approved township as contemplated in the Mangaung Town Planning Scheme, or a township approved in terms of any prior law relating to townships;

**“Vector”** means any organism, including but not limited to, rats, bats, mice, cockroaches, fleas, flies, mites, mosquitoes and ticks, which is capable of transmitting a pathogen to the people, or capable of causing food to become unclean, unwholesome, spoiled, adulterated, or unsafe for human.

**“vicinity”** the area as seen in the context of the problem which could range from adjacent premises up to an entire neighbourhood.

- (2) Unless the context otherwise indicates, any word or expression which is defined in any Chapter, has the same meaning wherever it is used in these By-laws.
- (3) If any provision in these By-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000, of any other law, been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

## 2. Purpose-

The purpose of these By-laws is to enable the Council to set minimum environmental health standards to prevent disease, prolong life, protect and promote the health and well-being of people in the municipal area by -

- (a) providing, in conjunction with any other applicable law, an effective legal and administrative framework within which the Council can –
- (i) manage and regulate activities that have the potential to impact adversely on public health; and
  - (ii) require premises to be properly maintained and managed; and
- (b) defining the rights and obligations of the Council and the public in relation to this purpose.

## CHAPTER 2

### PUBLIC HEALTH

#### Part 1: Public health principles

1. Principles- The principles set out in this section apply throughout the Municipality to the actions of all organs of state that may significantly affect the environment and:
    - (a) Shall apply alongside all other appropriate and relevant considerations, including the state’s responsibility to respect, protect, promote and fulfill the social and economic rights in chapter 2 of the constitution and in particular the basic needs of categories of persons disadvantaged by unfair discrimination;
    - (b) Serve as guidelines by reference to which any decision in terms of these Bylaws or any statutory provision concerning the protection of the environment;
    - (c) Guide the interpretation, administration and implementation of these Bylaws, and any other law concerned with the protection or management of the environment
    - (d) In the event of any inconsistency between the provision of these by-laws and any other legislation in force when these by-laws takes effect and which regulates any aspects of environmental health in the provision of National and/ or Provincial legislation prevails in order of precedence.
  2. Environmental management must place local people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably.
  3. Development must be socially, environmentally and economically sustainable.
  - 4(a) Sustainable development requires the consideration of all relevant factors including, and not limited to, the following:
    - (i) That the disturbance of ecosystem and of loss of biological diversity are avoided, or where they cannot be altogether avoided, are minimised and remedied;
    - (ii) That pollution and degradation of the environment are avoided, or, where they cannot be altogether avoided, are minimised and remedied;
    - (iii) That the disturbance of landscapes and sites that constitute the nation’s cultural heritage is avoided, or where it cannot be altogether avoided, is minimised, remedied;
    - (iv) That waste is avoided, or where it cannot be altogether avoided, minimised and re-used or recycled where possible and otherwise disposed of in a responsible manner;
-

- (v) That the use and exploitation of non-renewable natural resources is responsible and equitable, and takes into account the consequences of the depletion of the resource;
  - (vi) That the development, use and exploitation of renewable resources and ecosystems of which they are part do not exceed the level beyond which their integrity is jeopardized;
  - (vii) That a risk averse and cautious approach is applied, which takes into account the limits of the current knowledge about the consequences of decisions and actions; and
  - (viii) That negative impacts on the environment and on people's environmental rights be anticipated and prevented, and where they cannot be altogether prevented, are minimised and remedied.
- (b) Environmental management must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into account the effects of decision on all aspects of the environment and all the people in the environment by pursuing the selection of the best practicable environmental option.
  - (c) Environmental justice must be pursued so that adverse environmental impacts shall not be distributed in such a manner as to unfairly discriminate against any person, particularly vulnerable and disadvantaged persons.
  - (d) Equitable access to environmental resources, benefits and services to meet basic human needs to ensure human well-being must be pursued and special measures may be taken to ensure access thereto by categories of persons disadvantaged by unfair discrimination.
  - (e) Responsibility for the environmental health and safety consequences of a policy, programme, project, product, process, service or activity exists throughout its life cycle.
  - (f) The participation of all interested and affected parties in environmental governance must be promoted, and all people must have the opportunity to develop the understanding, skills and capacity necessary for achieving equitable and effective participation, and participation by vulnerable and disadvantaged persons must be ensured.
  - (g) Decisions must take into account the interests, needs and values of all interested and affected parties, and this includes recognizing all forms of knowledge, including traditional and ordinary knowledge.
  - (h) Community well-being and empowerment must be promoted through environmental education, the raising of environmental awareness, the sharing of knowledge and experience and other appropriate means.
  - (i) The social, economic and environmental impacts of activities, including disadvantages and benefits, must be considered, assessed and evaluated, and decisions must be appropriate in the light of such consideration and assessment.
  - (j) The right of workers to refuse that is harmful to human health or environment and to be informed of dangers must be respected and protected.
  - (k) Decisions must be taken in an open and transparent manner, and access to information must be provided in accordance with the law.
  - (l) There must be intergovernmental coordination and harmonization of policies, legislation and actions relating to the environment.
  - (m) Actual or potential conflicts of interest between organs of state should be resolved through conflict resolution procedures.
  - (n) Global and international responsibilities relating to the environment must be discharged in the local interest.
  - (o) The environment is held in public trust for the people, the beneficial use of environmental resources must serve the public interest and the environment must be protected as the people's common heritage.
  - (p) The cost of remedying pollution, environmental degradation and consequent adverse health effects and preventing, controlling or minimising further pollution, environmental damage or adverse health effects must be paid for by those responsible for harming the environment.
  - (q) The vital role of women and youth in environmental management and development must be recognised and their full participation therein must be promoted.
  - (r) Sensitive, vulnerable, highly dynamic or stressed ecosystems, such as estuaries, wetlands, and similar systems require specific attention in management and planning procedures especially where they are subject to significant human resource usage and development pressure.

## Part 2: Public health hazards and public health nuisances

### 5. Prohibition on causing public health hazards-

- (1) No person may create a public health hazard anywhere in the municipal area.
- (2) Every owner or occupier of premises must ensure that a public health hazard does not occur on those premises.
- (3) An owner or occupier of premises creates a public health hazard if –
  - (a) the premises are infested with pests or pests are breeding on the premises;
  - (b) there are conditions on the premises which are conducive to the spread of a communicable disease or which may cause a non-communicable disease;
  - (c) there is any unsanitary condition in any part of the premises; or
  - (d) any water supply for domestic consumption on the premises is unsafe for human consumption.

### 6. Camping permits- No person shall, without the written permission of Council, occupy or permit to be occupied for human habitation a caravan, tent or other shelter of any description on un-serviced land except on an authorized camping or caravan site.

- 7. Duty to report public health hazards- The owner or occupier of premises who knows or who is reasonably expected to know of a public health hazard on those premises must within 24 hours of becoming aware of its existence –
  - (a) eliminate the public health hazard; or

- (b) if the owner or occupier is unable to comply with paragraph (a), take reasonable steps to reduce the risk to public health and forthwith report the existence of the public health hazard to the Environmental Health Department in writing.

8. Prohibition on causing public health nuisances.

- (1) No person may cause a public health nuisance anywhere in the municipal area.  
 (2) Every owner or occupier of premises must ensure that a public health nuisance does not arise on those premises.

### CHAPTER 3

### POTENTIALLY HAZARDOUS USES OF PREMISES AND ENFORCEMENT

#### Part 1: Potentially hazardous uses

9. Duty to list potentially hazardous uses-If the Council reasonably believes that any premises have been, or are likely to be, used for a purpose or in a manner that has caused, or is likely to cause, a public health hazard or to create a public health nuisance unless reasonable measures are taken to avoid the risk or to reduce it to an acceptable level, the Council must list the activity concerned in Schedule 2 and must prescribe measures that must be taken to avoid the risk or reduce it to a level acceptable to the Council.
10. Scheduled uses-
- (1) Any person who uses premises in a manner or for a purpose listed in Schedule 2 must comply with every provision specified in the Chapter of these By-laws relating to that use, unless that person has been granted an exemption in terms of section 11 from complying with any such provision.
- (2) Any person who uses premises in a manner or for a purpose that is listed in Part A of Schedule 2, must obtain a permit in terms of section 12 before commencing that use and must comply with the terms and conditions of that permit.
11. Exemption certificates-
- (1) Any person who wants to undertake a scheduled use on any premises but wishes to be exempted from complying with any requirement of these By-laws relating to the use concerned, must apply to the Council in accordance with section 14 for an exemption certificate.
- (2) The Environmental Health Department may grant an exemption certificate, subject to such conditions as it may impose, if an environmental health practitioner is satisfied that –
- (a) the measures taken to avoid or reduce the risk to public health arising from the scheduled use are equivalent to or better than the measures required by the relevant requirement of these By-laws;  
 and
- (b) the scheduled use in respect of which the exemption is required, is not likely to cause a public health hazard or a public health nuisance.
12. Public health permits-
- (1) Any person who wants to undertake a scheduled use that is listed in Part A of Schedule 2, must apply to the Council's Environmental Health Department in accordance with section 14 for a public health permit.
- (2) The Council may issue a public health permit to the owner or occupier of any premises, if an environmental health practitioner is satisfied that the use for which the permit is required is not likely to cause a public health hazard or a public health nuisance.
- (3) A public health permit –
- (a) must be issued subject to conditions aimed at reducing the risk to public health created by the scheduled use, to a level acceptable to the Council;
- (b) may exempt the permit holder from complying with any relevant provision of these By-laws, if the Council reasonably believes that the permit requires the permit holder to take measures to avoid or reduce the risk to public health arising from the activity that are equivalent to, or better than, the measures required by the relevant provision of these By-laws; and (c) may approve any activity authorized by the permit approved in terms of these By-laws.
13. Approval of measures, objects and materials-
- (1) The Council may approve, provided that the said approval is not in conflict with any other legal requirement and /or public interest, any object or material used, or any measure taken, in specified circumstances as being adequate to eliminate the risk of any public health hazard or public health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Council.
- (2) An object, material or measure referred to in subsection (1) may be approved by the Council in –
- (a) a public health permit; or
- (b) guidelines prescribed by the Council in terms of subsection (3).
- (3) The Council may publish guidelines in the Provincial Gazette which describe –
- (a) appropriate measures that can be taken and objects and materials that can be used, to eliminate the risk of any public health hazard or public health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Council; and
- (b) the circumstances in which taking these measures or using these objects or materials are acceptable to the Council.
-

14. Application procedure-
- (1) Any person who wants to obtain an exemption certificate or a permit must apply to the Council's Environmental Health Department in writing in a form attached as Annexure 1, prior to undertaking the scheduled use concerned.
  - (2) When the Council receives an application contemplated in subsection (1), it must ensure that the relevant premises concerned are inspected by an Environmental Health Practitioner as soon as reasonably possible.
  - (3) Before deciding whether or not to approve an application contemplated in subsection (1), the Council –
    - (a) must ensure that any persons in the vicinity of the premises whose health or well-being may be affected if the premises are to be/ or used for the scheduled use concerned, have been consulted and have had an opportunity to make representations; and
    - (b) may require the applicant to provide any further information which the Council considers relevant to enable it to make an informed decision.
  - (4) In deciding whether or not to issue an exemption certificate or a permit, and what terms and conditions, if any, to include in it, the Council must apply the public health principles set out in Part 1 of chapter 2
15. General terms applicable to certificates and permits-
- (1) An exemption certificate or a permit–
    - (a) is not transferable from one person to another; and
    - (b) applies only to the premises specified in that certificate or permit.
  - (2) Every exemption certificate or permit must–
    - (a) specify the address and other relevant details regarding the location of the premises concerned;
    - (b) describe the premises concerned;
    - (c) describe the activity concerned;
    - (d) specify terms and conditions imposed, if any;
    - (e) indicate the expiry date; and
    - (f) any other term or condition that the Council may deem fit.
  - (3) An applicant must pay a prescribed fee, if so determined by the Council, in respect of an application for a permit or exemption certificate and such fee must accompany the application.
  - (4) The Council may refuse to consider an application until it has been provided with the information that it reasonably requires to make an informed decision and until the prescribed fee has been paid.
16. Suspension, cancellation and amendment of exemption certificates and permits-
- (1) Council may by written notice to the holder of an exemption certificate or permit, suspend, amend or cancel that certificate or permit, after having informed such holder of the reasons for such an exemption certificate and permit being cancelled or suspended.
  - (2) Council may suspend or cancel an exemption certificate or permit with immediate effect if –
    - (a) the Council reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to public health posed by a public health hazard or a public health nuisance; or
    - (b) the holder of such certificate or permit fails to comply with a compliance notice, in which is stated that such certificate or permit may be suspended or cancelled without further notice if the holder fails to comply with that notice.
  - (3) Council may suspend or cancel an exemption certificate or permit after having given the holder thereof a reasonable opportunity of making representations as to why the permit or exemption certificate should not be suspended or cancelled if –
    - (a) the Environmental Health Practitioner reasonably believes that it is desirable to do so to eliminate or reduce the risk to public health posed by a public health hazard or a public health nuisance; or
    - (b) the holder of such certificate or permit contravenes or fails to comply with any relevant provision of these By-laws.
  - (4) Council may amend an exemption certificate or permit by endorsing such certificate or permit or by written notice to the holder thereof, if the Environmental Health Practitioner reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the exemption certificate or permit concerned was issued.

## Part 2: Enforcement, remedial work and costs

17. Demolition orders-
- (1) If the Council believes that a public health or a safety hazard would be eliminated or a public health nuisance would be significantly reduced by demolishing a building or other structure, it may, subject to the provisions of any other relevant law, apply to any court having jurisdiction for an order directing any person to demolish the building or structure or authorising the Council to do so and to recover the costs of doing so from the owner or the occupier of the premises concerned, or from both.
  - (2) The Council may not apply to court in terms of subsection (1) unless it has given the owner and the occupier of the premises not less than 14 days' notice in writing of its intention to make the application and has considered any representations made within that period.
18. Right of entry and remedial work-
- The Council may, subject to the provisions of any other law, enter any premises and do anything, excluding demolition of buildings and structures, on the premises that it reasonably considers necessary –
- (a) to ensure compliance with these By-laws.
  - (b) to reduce, remove or minimise any significant public health hazard; or
-

(c) to reduce, remove or minimise any public health nuisance.

19. Cost orders-

- (1) The Council may recover any costs reasonably incurred by it in taking measures contemplated in section 16 from any person who was under a legal obligation to take those measures, including –
- (a) a person on whom a compliance notice referred to in section 18(a) that required those steps to be taken, was served;
  - (b) the owner or occupier of the premises concerned; or
  - (c) any person responsible for creating a public health hazard or a public health nuisance.
- (2) The municipal manager or delegated official may issue a cost order requiring a person who is liable to pay costs incurred by the Council in terms of subsection (1), to pay those costs by a date specified in the order and such order constitutes prima facie evidence of the amount due.

**CHAPTER 4  
SANITARY SERVICES**

20. Compulsory connection to municipal sewerage system-

Every owner of premises to which a municipal sewage service is available, must ensure that all waste water drainage pipes from any bath, wash-hand basin, toilet, shower, kitchen sink, washing machines and dish washers are connected to the municipal sewer in a manner approved by the municipality.

21. Prohibition against obstruction of sanitary services-

No person may prevent, obstruct or interfere with any sanitary service provided by the Council.

22. Requirements in respect of toilet facilities-

Every owner of premises must ensure that the number of toilets provided on those premises comply with the provisions of the National Building Regulations and Building Standards Act or any other applicable legislation.

23. Toilets for workers-

- (1) Every contractor must provide his or her workers with toilet facilities as prescribed by the National Building Regulations and Building Standards Act.
- (2) No temporary toilet may be erected or placed on any pavement or other public place without the written approval of Council.

24. Prohibition against use of a bucket toilet under the same roof as a dwelling-

No person may provide, erect, retain or use any bucket toilet inside, or under the same roof, as a dwelling.

25. Condition of toilets, urinals, backyards and refuse areas-

Every owner or occupier of any premises must keep every backyard refuse area, toilet, and urinal in a sanitary condition and good state of repair, in the opinion of the Council.

26. Separate storage of urine-

- (1) Any owner or occupier required by the Council to provide for the separate storage of urine, due to the size, extent of occupation or use of any premises, must comply with any notice issued by the Council calling on him or her to provide an adequate urine tank or an adequate number of urine buckets on the premises.
- (2) Every owner or occupier referred to in subsection (1) must use the urine tank or urine bucket exclusively for the reception of urine.

27. Provision of tank for waste liquids in areas without sewers-

- (1) Any owner of premises not connected to a public sewer or not provided with other adequate measures for the disposal of waste liquid, must provide the premises with a tank big enough to contain the slops, bath water or other waste water produced on the premises during a period of 48 hours.
- (2) Subject to the provisions of subsection (3), premises referred to in subsection (1), must be equipped either with –
- (a) an overhead tank placed in a way that its contents can be gravity fed into the Council's or other approved waste removal vehicles; or
  - (b) an adequate filter, pump and indicator, with outlet pipes constructed and placed in a way that the tank may be easily emptied and cleansed.
- (3) The provisions of subsection (2) do not apply if –
- (a) adequate arrangements have been made for dispersing waste water produced on the premises, other than urine, over land associated with the premises concerned; and
  - (b) the waste water is dispersed in a way that will not create a public health nuisance.

28. Pumping of contents of underground tank to surface tank-

Any occupier of premises on which both underground and overhead tanks are provided for the storage of waste water, must pump the contents of the underground tank to the overhead tank immediately prior to the overhead tank being emptied by the Council.



29. Blocked or defective outlet pipes-  
Every owner or occupier of premises must keep any drainage system free from obstruction and in a good state of repair, in the opinion of Council.
30. Prohibition against urine in slops tanks-  
No person may discharge or allow any urine or excrement to be discharged into a slops tank situated on any premises.

#### CHAPTER 5 PRIVATE SEWERAGE WORKS

31. Permit for provision of service for the removal of human excrement or urine-  
No person may provide any service for the removal or disposal of human excrement and urine on any premises except in terms of a permit authorising that service.
32. Permit for installation of sewerage works-  
No person may, on any private premises, install, alter, re-site, operate or maintain any septic tank, filter installation or other works for the disposal of sewage, except in terms of a permit authorising that activity.
33. Maintenance of sewerage works-  
Any person operating sewerage works must ensure that it is maintained in a sanitary condition and good state of repair at all times, in the opinion of Council.
34. Disposal of sewerage, sewerage effluent and wastewater without causing a public health nuisance and/or hazard-  
No person may dispose of sewerage or waste water from any bath, wash-hand basin, toilet, shower, kitchen sink, swimming pool, washing machines, dish washers and refuse receptacles in a way or in a location that may -  
(a) cause dampness in or on any premises;  
(b) endanger the quality of any water supply, surface water, stream or river; or  
(c) create a public health nuisance and/or hazard.
35. Compulsory use of Council's sewage removal service-  
Every occupier of premises must use the sewage removal service prescribed by the Council for those premises.

#### CHAPTER 6 WATER

36. Definitions - In this Chapter, unless the context otherwise indicates -  
**"domestic consumption"** in relation to water, means the use of water for -  
 (a) human consumption;  
 (b) preparing or manufacturing food or drink for human consumption;  
 (c) cleaning vessels or utensils used in the preparation or manufacture of food or drink for human consumption; or  
 (d) any other domestic purpose.  
**"effluent"** means any waste water which may be generated as a result of undertaking any scheduled use or an activity which is likely to cause a public health nuisance.
37. Pollution of sources of water supply-  
No person may pollute or contaminate any catchment area, river, canal, well, reservoir, filter bed, water purification or pumping works, tank, cistern or other source of water supply or storage in a way that creates a public health nuisance or a public health hazard.
38. Dangerous wells, boreholes and excavations-  
Every owner or occupier of premises must ensure that any well, borehole or other excavation located on his or her premises -  
 (a) is fenced, filled in or covered over in a way that adequately safeguards it from creating a public health nuisance or public health hazard; and  
 (b) is not filled in a way, or with material, that may cause any adjacent well, borehole or underground water source to be polluted or contaminated to an extent that may create a public health nuisance or a public health hazard.
39. Provision of adequate water supply-  
Every owner of premises must provide every resident on the premises with an adequate and readily available potable water supply at all times.
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40. Use of water from sources other than the municipal supply-  
No person may use, or permit to be used, any water obtained from a source other than the municipal water supply for domestic consumption, unless the water concerned has been approved for that purpose and complies with standards of potable water.
41. Furnishing of particulars of the source of water-
- (1) Any owner or occupier of premises on which a well, borehole, spring, dam, river or other water source is located, the water of which is used for domestic consumption, must within 14 days of receiving a notice from the Council calling on him or her to do so, provide the Council with all particulars of the water source reasonably available to the owner or occupier.
  - (2) An owner or occupier of premises contemplated in subsection (1), must, if requested to do so by the Council, and at his or her own cost, furnish to the Council a certificate of chemical analysis and bacteriological investigation issued by an analyst, as provided for in section 12 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), in respect of any water supply on that premises used for domestic consumption.
  - (3) If water from a borehole is used for domestic consumption, a certificate of analysis as contemplated in subsection (2) must be submitted to Council annually or at any time on request of an Environmental Health Practitioner.
42. Notice of the sinking or digging of boreholes or wells-
- (1) No person may sink or dig, or cause or permit to be sunk or dug, a well or borehole, to obtain water, unless –
    - (a) it is done so in accordance with any relevant law; and
    - (b) he or she has given the Environmental Health Division at least 14 days' written notice of his or her intention to do so.
  - (2) The notice referred to in subsection (1)(b), must state the proposed location and the purpose for which the water is to be used.
43. Storm water runoff from premises which may impact on public health-
- (1) Every owner or occupier of premises must erect adequately designed, constructed and maintained hydraulic and hydrological structures on those premises -
    - (a) to divert the maximum storm water runoff, which could be expected within a period of 24 hours with an average frequency of recurrence of once in 100 years, from any part of the premises on which any waste, likely to create a public health nuisance, is or was handled, produced, stored, dumped or spilled;
    - (b) to collect all polluted runoff water from any part of the premises on which waste, likely to create a public health nuisance is or was handled, produced, stored, dumped or spilled, for re-use, treatment or purification;
    - (c) to separate all effluent from storm water systems;
    - (d) to prevent the erosion or leaching of material from any slimes dam, ash dam and any dump or stock-pile on the premises, and to contain any eroded or leached material in the area where it originated;
    - (e) to prevent any waste or waste water from entering any borehole, well, spring, vlei or water course; and
    - (f) to prevent any adverse impact on the quality of surface and ground water occurring, due to the location of any dump, stock-pile, dam, drain, canal, conduit, sewer or any other structure on the premises.
  - (2) An owner or occupier of premises –
    - (a) must keep all water passages open and free of obstruction from matter which may impede the flow of water or effluent;
    - (b) may not locate any dump within the one hundred year flood line of any water resource;
    - (c) may not use coal, coal discard, carbonaceous material or any other material for the construction of any slurry, evaporation or catchment dam, or any embankment, road or railway in a way likely to create a public health nuisance;
    - (d) must construct bund walls around any tank, or group of tanks, containing any substance that can create a public health nuisance, of a size that is capable of containing the volume of the largest tank plus an additional 10% in the event of any unlawful or accidental discharge from the tank or group of tanks; and
    - (e) must clean any industrial surface area so as to prevent the pollution of storm water which may result in an adverse impact on the quality of any surface or ground water.
44. Containment of waste water-  
Any dam, conduit or channel used for the containment of waste water must have a free board of at least 0.5 meters above the highest level of precipitation which could be expected within a period of 24 hours with an average frequency of recurrence of once in 100 years.

## CHAPTER 7 OFFENSIVE TRADES

45. Definitions - In this Chapter, unless the context otherwise indicates -

“**effluent**” means any waste water which may be generated as a result of undertaking any scheduled use or an activity which is likely to cause a public health nuisance;

“**offensive trade**” means any business listed below or business which involves an activity listed below:

- (a) Panel beating or spray painting;
  - (b) operating a waste recycling plant including oil and petroleum product recycling;
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- (c) scrap yard or scrap metal dealing;
- (d) blood boiling, bone boiling, tallow melting, fat melting or fat extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, hide boiling, skin curing, blood drying, gut scraping, leather dressing, tanning or glue or size making;
- (e) charcoal burning, brick burning, lime burning;
- (f) manure making or storing or compost making;
- (g) parchment making;
- (h) manufacturing malt or yeast;
- (i) cement works, coke-ovens or salt glazing works;
- (j) sintering of sulphurous materials;
- (k) viscose works;
- (l) ore or mineral smelting, calcining, puddling or rolling of iron or other metal, conversion of pig iron into cast iron, reheating, tempering, hardening, forging, conversion or compounding of carbon with iron or other metals;
- (m) Work of a knacker.
- (n) Slaughter of animals.
- (o) Fish mongering and fish frying.
- (p) Manufacture of flock and rags.
- (q) Animal bristle and hair storing and sterilizing.
- (r) Manufacture of chemicals.
- (s) Fell-mongering
- (t) Storage of rags.
- (u) Wood saw-dust.
- (v) Iodoform.
- (w) works for the production of carbon bisulphide, cellulose lacquer, cyan or its compounds, hot pitch or bitumen, pulverized fuel, peridine, liquid or gaseous sulphur dioxide or Sulphur chlorides;
- (x) works for the production of amyl acetate, aromatic ethers, butyric acid, caramel, enameled wire, glass, hexamine, lampblack, B-naphthol, resin products, salicylic acid, sulphated organic compounds, sulphurous paints, ultramarine, zinc chloride or zinc oxide; or
- (y) the refining or processing of petrol, oil or their products;
- (z) Any other work or trade of an offensive nature which, with the sanction of the Council may add to the list.

“**offensive trader**” means any person who owns, conducts or carries on an offensive trade.

46. Permit requirement-

No person may conduct an offensive trade in or on any premises, except in terms of a permit authorizing such trade.

47. Requirements for premises-

No person may conduct an offensive trade in or on any premises unless -

- (a) the floors of the premises are constructed of cement concrete or a similar impervious material, brought to a smooth finish;
- (b) the floors of the premises are adequately graded and drained for the disposal of effluent to an approved disposal system;
- (c) the inside walls, except where glazed or glass brick or glazed tiles are used, are plastered, brought to a smooth finish and painted with a light-coloured, washable paint;
- (d) the surface of any backyard or open space is paved with concrete or similar impervious material, brought to a smooth finish;
- (e) the premises are provided with adequate light and ventilation as prescribed in the National Building Regulations and Building Standards Act;
- (f) an adequate supply of running potable water is provided;
- (g) an adequate number of portable containers constructed of iron or another non-absorbent material, equipped with closely fitting lids, are provided for the removal of all waste and waste water from the premises;
- (h) adequate means are provided for the disposal of all effluent arising from the manufacturing or other process performed on the premises;
- (i) adequate accommodation is provided for the storage of all finished products, articles or materials which are used in the manufacturing or other process and which may –
  - (i) discharge offensive or injurious effluent or liquid; or
  - (ii) decompose in the course of the work or trade;
- (j) adequate means are provided to control the discharge in the open air of any noxious, injurious or offensive gas, fume, vapour or dust produced during any handling, preparation, drying, melting, rendering, boiling or grinding process or storage of material;
- (k) adequate sanitary fixtures are provided as prescribed in the National Building Regulations and Building Standards Act;
- (l) a perimeter wall made of brick or some other impervious material, with a minimum height of 2 meters, is constructed around the premises;
- (m) all gates to the premises are of solid construction with a minimum height of 2 metres;
- (n) all perimeter walls and gates adequately screen activities on the premises from public view; and
- (o) all materials are stacked or stored on the premises below the height of the perimeter screening;
- (p) adequate separate change-rooms for male and female employees must be provided containing –

- (i) an adequate metal locker for every employee;
  - (ii) a wash-hand basin provided with a supply of running hot and cold potable water; and
  - (iii) an adequate supply of soap and disposable towels at every wash-hand basin;
- (q) if no change-room has been provided in terms of paragraph (p) –
- (i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
  - (ii) an adequate metal locker must be provided for every employee in the work area.
48. Duties of offensive traders-  
Every offensive trader must -
- (a) maintain the premises in a clean, hygienic and good condition at all times;
  - (b) maintain all walls and floors of the premises in a manner and condition that prevents the absorption of any waste or waste water;
  - (c) maintain all machinery, plant, apparatus, furniture, fittings, tools, implements, vessels, containers, receptacles and vehicles in a clean, hygienic and good condition at all times;
  - (d) prevent any waste accumulating on the premises and provide proof when required of safe disposal of recycled or hazardous related waste materials;
  - (e) prevent the emission of noxious, injurious or offensive gases, fumes, vapours or dust generated during any handling, preparation, drying, melting, rendering, boiling or grinding process or storage of any material on the premises;
  - (f) provide and maintain effective measures to preclude the open attraction of pest and to prevent the breeding thereof; and
  - (g) provide for approved personal protective clothing for the safety of his or her employees
49. Liquid refuse from bone and tripe boiling-
- (1) Every bone boiler and every tripe boiler must adequately cool all waste water before it is discharged into any sewer or other receptacle.
  - (2) The cooling process referred to in subsection (1), must take place in a manner that prevents the generation of any noxious and injurious effluent.
50. Liquids, tanks and tubs in leather making-  
Every fell-monger, leather dresser or tanner must -
- (a) renew and dispose of the liquid from every tank or other receptacle used on the premises to wash or soak any skin or hide, other than a lime pit, at adequate intervals and in an adequate manner;
  - (b) clean the entire tank or other receptacle every time it is emptied;
  - (c) clean every tub or other receptacle used to contain a solution of the material known as "puer".
51. Storage of rags, bones and waste-  
No trader in rags, bones or waste may place or store, or cause or permit to be stored, rags, bones or waste in any part of the premises concerned which is –
- (a) inhabited by people; or
  - (b) not adequately ventilated.

## CHAPTER 8 HAIRDRESSING, BEAUTY AND COSMETOLOGY SERVICES

52. Definition- In this Chapter, unless the context otherwise indicates -

“**body piercing**” means the piercing of the skin for the purpose of inserting any foreign object;

“**cosmetology or beauty service**” includes, but is not limited to, any one or more of the following services:

- (a) Manicure, pedicure, nail technology, or the application of artificial nails or nail extensions, whatever the substance used;
- (b) eyebrow shaping and plucking including the application of false or artificial eyebrows or eyelashes and tinting of eyelashes;
- (c) cosmetic and camouflage makeup of the face and its features, whether by permanent, semi-permanent or temporary means;
- (d) facial skin care;
- (e) removal of unwanted or superfluous hair from any part of the body by any means, other than shaving, including by means of waxing, chemical depilatories, electrical or mechanical means, whether or not any apparatus, appliance, heat, preparation or substance is used in any of these operations;
- (f) body piercing and tattooing for cosmetic purposes;
- (g) massaging;
- (h) body bronzing by means of ultraviolet radiation or any similar method;
- (i) body contouring including all forms of slimming; or
- (j) somatology

“**hairdressing**” includes, but is not limited to, any one or more of the following services:

- (a) Shampooing and cleansing, conditioning and treating hair;
-

- (b) chemical reformation of the hair including permanent waving, relaxing and straightening of the hair;
- (c) hair colouring, including tinting, dyeing and colouring by means of permanent, semi-permanent or temporary means, including the use of colour rinses, shampoos, gels or mousses and lightening by means of tints, bleaches, highlights or high lifting tints or toners;
- (d) hair cutting and shaping;
- (e) barbering services including shaving and singeing of hair; or
- (f) the adding to hair of natural and artificial hair and hair extensions, board work, pastiche, wig-making or the performing of any operation specified in paragraphs (a) to (e) on a wig or hairpiece to be worn by any person; or
- (g) trichology and trichological treatment of the hair including the treatment of abnormalities and disorders of the hair;

“salon” means any place where any or more of the following services are performed for gain:

- (1) hairdressing service;
- (2) cosmetology or beauty service;
- (3) body piercing and tattooing; or
- (4) massaging service;

“salon service” means any one or more or a combination of the practices or services generally and usually performed by a person rendering service in the hairdressing, cosmetology or beauty service industry including any massage, body piercing and tattooing service.

53. Permit requirement-

No person may operate a salon except in terms of a permit authorizing that activity.

54. Requirements for premises-

No person may operate a salon on any premises which do not comply with the following requirements:

- (a) adequate lighting and ventilation, as prescribed in the National Building Regulations and Buildings Standards Act, must be provided;
- (b) all shelves, fixtures and table tops on which instruments are placed must be constructed of an approved material that is durable, non-absorbent, and easy to clean;
- (c) water and toilet facilities must be provided as prescribed in the National Building Regulations and Building Standards Act;
- (d) adequate, separate facilities, with a supply of running potable water, must be available for the washing of hair and hands;
- (e) an approved system for the disposal of waste water must be provided;
- (f) adequate storage facilities must be provided;
- (g) the walls and floors must be constructed of a material that is easy to clean and which prevents cut hair from being dispersed;
- (h) the premises may not be used for the storage and preparation of food or sleeping unless any area for that purpose is clearly demarcated /separated by an impervious wall,
- (i) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing –
  - (a) an adequate metal locker for every employee;
  - (b) a wash-hand basin provided with a supply of running hot and cold potable water; and
  - (c) an adequate supply of soap and disposable towels at every wash-hand basin; and
- (j) if no change-room has been provided in terms of paragraph (i) –
  - (a) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
  - (b) an adequate metal locker must be provided for every employee in the work area.

55. Duties of salon operators-

Any person operating a salon must :

- (a) maintain the premises, tools, equipment and clothing in a hygienic and good condition at all times;
- (b) equip the premises with an adequate means to disinfect and sterilise instruments and equipment that may come into direct contact with any customer's hair or skin;
- (c) provide employees on the premises with approved personal protective clothing and equipment;
- (d) collect all hair clippings and other waste in an approved container after every service;
- (e) store or dispose of waste in an approved manner;
- (f) adequately train any person working on the premises on health and hygiene matters;
- (g) not permit any animal on the premises unless it is a guide dog accompanying a blind person;
- (i) ensure that any employee working with the public with a open wound on their hands or with a communicable skin condition to take the necessary precautions; and
- (j) ensure that every person working in the salon complies with the requirements of this section and sections 54 and 56.

56. Required minimum health standards for the operation of a salon-

Any person operating or employed in, a salon must take the following measures:

- (a) adequately disinfect the all instruments after each use:
-

- (b) adequately sterilise the following instruments after each use:
  - (i) any instrument used for body piercing or tattooing;
  - (ii) any instrument which has come in contact with blood or any other body fluid;
- (c) wash and clean all plastic and cloth towels after each use;
- (d) dispose of all disposable gloves or other disposable material after each use;
- (e) wash all aprons and caps daily;
- (f) wash his or her hands with soap and water or disinfectant before and after rendering each service to a client;
- (g) wear approved disposable personal protective clothing when providing one of the following salon services:
  - (i) any chemical service;
  - (ii) any hair implant;
  - (iii) body piercing; and
  - (iv) tattooing;
- (h) wash all walls, floors, chairs and other surfaces in the premises at least once a day with a disinfectant or household detergent;
- (i) dispose of all waste water
- (j) register as a Health Care Risk Waste generator and obtain the removal service of a registered Health Care Risk Waste transporter.
- (k) adequately treat any injury or wound which may occur on the premises;
- (l) clean and disinfect all surfaces that have been contaminated by blood after each service;
- (m) keep an approved first aid kit on the premises at all times as prescribed by the Occupational Health and Safety Act 1993 (Act No. 85 of 1993);
- (n) All tubes and needles must be stored in single service, sterile, sealed autoclave bags that must be opened in the present of the client.

57. Prohibition against the use of salon premises for other purposes-

- (1) Any person operating a salon must ensure that the premises are used exclusively for that purpose.
- (2) Any person who wants to prepare any beverage for customers on the premises of a salon, must provide a separate area, equipped with a facility for cleaning crockery and utensils, for that purpose.

## CHAPTER 9 SECOND-HAND GOODS

58. Definitions- In this Chapter, unless the context otherwise indicates –

“**second-hand goods business**” means any business in which used goods and materials are sold, including, without limitation – clothing, furniture, scrapped motor vehicles, footwear, timber, building bricks or blocks, building material or fittings, machinery, drums, tins, bottles, packing cases, boxes crates or other containers, metal, rags, plastic bags, paper or any other material, which has previously been used; and bones or tallow.

59. Requirements for premises-

No person may operate a second-hand goods business in or on any premises which do not comply with the following requirements:

- (a) any section of the premises where second-hand goods are stored and handled must be enclosed/ demarcated by walls constructed of brick, rock or concrete, with a minimum height of two metres (2m) ;
- (b) all gates to the premises must be of solid construction with a minimum height of two metres;
- (c) all materials must be stacked or stored below the height of the perimeter screening;
- (d) adequate lighting and ventilation, as prescribed in the National Building Regulations and Building Standards Act must be provided;
- (e) all storage areas must be paved with cement, concrete or other approved impervious material;
- (f) all backyard surfaces and open spaces of the premises must be graded and drained to allow for the effective run-off of all precipitation;
- (g) adequate sanitary facility and fixtures for both sexes employed on the premises must be provided, as prescribed in the National Building Regulations and Building Standard Act;
- (h) an adequate number of refuse containers must be provided;
- (i) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing -
  - (a) an adequate metal locker for every employee;
  - (b) a wash-hand basin provided with a supply of running hot and cold potable water; and
  - (c) an adequate supply of soap and disposable towels at every wash-hand basin; and
- (j) if no change-room has been provided in terms of paragraph (i) –
  - (a) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
  - (b) an adequate metal locker must be provided for every employee in the work area.

60. Duties of second-hand goods traders-  
Any person who conducts a second-hand goods business must -
- (a) store second-hand goods in a backyard, building or open space that is constructed of an approved material in such a manner as to prevent the harborage of rodents or other vermin and pests;
  - (b) ensure that no water accumulates in any article stored on the premises;
  - (c) ensure that goods are stored in such a manner as to prevent the pollution of the surrounding environment which includes but is not limited to air, water or soil.
  - (d) keep the premises in a clean, neat and sanitary condition at all times;
  - (e) immediately on receipt, disinfect all furniture, soft furnishings, clothing, bedding or other fabrics in an adequate manner;
  - (f) keep any other articles separate from articles which have been disinfected
  - (g) label all articles which have been disinfected in a conspicuous place on each article; and
    - (i) provide personal protective clothing for personnel employed in his or her premises

## CHAPTER 10 ACCOMMODATION ESTABLISHMENTS

61. Definitions- In this Chapter, unless the context otherwise indicates –

“**accommodation establishment**” means any place in which accommodation is provided for gain to four or more people, with or without meals;

“**dormitory**” means a sleeping room in which sleeping accommodation is provided for four or more persons.

62. Permit requirement-  
No person may operate an accommodation establishment except in terms of a permit authorising that activity.
63. Requirements for premises of accommodation establishments-  
No person may operate an accommodation establishment on premises which do not comply with the following requirements:
- (a) No room wholly or partly used by persons for sleeping in may be occupied by a greater number of persons than will allow-
    - (i) less than 11,3 m<sup>3</sup> of free air space and 3,7 m<sup>2</sup> of floor space for each person over the age of ten (10) years; and
    - (ii) less than 5,7 m<sup>3</sup> of free air space and 1,9 m<sup>2</sup> of floor space for each person under the age of ten (10) years;
  - (b) no latrine, passage, staircase, landing, bathroom, cupboard, outbuilding, garage, stable, tent, storeroom, lean-to, shed, kitchen, dining room, food preparation area, cellar or loft may be used as sleeping accommodation;
  - (c) if a dormitory is provided on the premises –
    - (i) a single bed, manufactured of metal or some other durable material and equipped with a mattress, must be provided for every person housed in the dormitory;
    - (ii) a separate locker must be provided for every person making use of the dormitory for safeguarding the person's clothing and other possessions;
    - (iii) every bed in a dormitory must be so placed that its sides are at least one meter away from any part of any other bed;
  - (d) an accommodation establishment must be provided with –
    - (i) an area for the preparation and cooking of food, adequate for the use of and easily accessible to any occupier residing in the accommodation establishment;
    - (ii) adequate separate wash-up facilities; and
    - (iii) where meals are provided to persons housed in the accommodation establishment, a dining-room or adequate dining area with tables and chairs or benches and unobstructed floor area, including the area occupied by tables, chairs and benches, of at least 1,2 m<sup>2</sup> for every seat provided for dining purposes; (Such establishment to comply with the provisions of R962 and the National Building Regulations and Building Standards Act.).
  - (e)
    - (i) an accommodation establishment must be provided with one or more showers, each suitably placed in a separate compartment, easily accessible to every occupier, and fitted with waste pipes which comply with the provisions of the National Building Regulations and Building Standards Act.
    - (ii) a bath fitted with a waste pipe may be substituted for each shower referred to in subpar.(i).
    - (iii) the facilities referred to in subparagraphs (i) and (ii) must be designated for the different sexes;
  - (f) an accommodation establishment must be provided with sanitary fixtures as prescribed in the National Building Regulations and Building Standards Act and such fixtures must be designated for the different sexes;
  - (g) an accommodation establishment must be provided with an adequate supply of hot and cold running potable water;
-

- (h) all rooms and passages must be provided with adequate ventilation and lighting as prescribed in the National Building Regulations and Building Standards Act;
- (i) openings such as doors, windows or fanlights may not be obstructed in a manner that interferes with the lighting or cross ventilation they provide;
  - i. a separate room with approved containers must be provided for the storage of dirty articles used in connection with an accommodation establishment, pending removal to be laundered; and
  - ii. if articles used in connection with an accommodation establishment are laundered on the premises, a separate approved washing, drying and ironing area equipped with the necessary facilities for this purpose must be provided.
- (j) a store-room for the storage of furniture and equipment and a separate linen room with cupboards or shelves for the storage of clean bed and other linen, towels, blankets, pillows and other articles used in connection with an accommodation establishment, must be provided;
  - (i) all walls and ceilings must have a smooth finish and be painted with a light-coloured washable paint, or have some other approved finish;
  - (ii) the floor surface of every kitchen, scullery, laundry, bathroom, shower, ablution room, toilet and sluice room must be constructed of concrete or some other durable, impervious material brought to a smooth finish; and
  - (iii) the floor surface of every habitable room must be constructed of an approved material;
- (k) the following facilities must be provided for people who are employed and also reside on the premises:
  - (i) Sleeping quarters equipped with a bed, mattress and locker which comply with the provisions of paragraphs (a), (b) and (c) for each employee; and
  - (ii) if employees are not provided with meals in the accommodation establishment, food preparation and dining facilities that comply with the provisions of paragraph (d).
- (l) adequate changing facilities must be provided for non-resident employees;
- (m) adequate ablution and sanitary facilities, which comply with the provisions of paragraphs (e) and (f), must be provided for resident and non-resident employees;
- (n) an adequate refuse holding area must be provided and an approved refuse removal system must be maintained;
- (o) all walls, floors and roofs must be constructed in a manner which prevents wind or rain entering an accommodation establishment or dampness entering the interior surfaces of any wall or floor;
- (p) All accesses to an accommodation establishment must have a door which when closed, prevents the wind or rain entering the premises; and
- (q) All windows must be constructed in a manner that prevents rain entering the accommodation establishment when the windows are closed.
- (r) must comply with the Tobacco Control Regulations.

64. Duties of operators of accommodation establishments-

Every person who conducts an accommodation establishment must –

- (a) keep the premises and all furniture, fittings, appliances, equipment, containers, curtains, covers, hangings and other soft furnishings, table linen, bed linen, and other bedding, towels and cloths of whatever nature used in connection with the accommodation establishment, in a clean, hygienic and good condition at all times;
- (b) clean and wash any bed linen, towel, bath mat or face cloth after each use by a different person;
- (c) take adequate measures to eradicate pests on the premises;
- (d) provide a container made of a durable and impervious material, equipped with a close-fitting lid, in every toilet used by females;
- (e) provide towel rails or hooks in every bathroom and in every room in which there is a wash-hand basin or shower;
- (f) store all dirty linen, blankets, clothing, curtains and other articles used in connection with an accommodation establishment in the manner provided in section 63(i);
- (g) store all clean linen, towels, blankets, pillows and other articles used in connection with the accommodation establishment in the manner provided in section 63(j);
- (h) Keep all sanitary, ablution and water supply fittings in a good working order;
- (i) Keep every wall, surface and ceiling, unless constructed of materials not intended to be painted, painted at intervals to ensure that the area painted, remain clean and in a good state of repair;
- (j) Handle refuse in the manner provided in section 63(n); and
- (k) Must ensure compliance with relevant Health Regulations promulgated under the Health Act (No 63 of 2003) and the Foodstuffs, Cosmetics and Disinfectants Act (No 54 of 1972), if food is provided to the occupants.



## CHAPTER 11 SWIMMING POOLS AND SPA-BATHS

65. Definitions- In this Chapter, unless the context otherwise indicates –

“**spa-bath**” means a structure constructed of an approved material, provided with a controlled circulating water supply and used for bathing, excluding a spa bath situated at a private home which is not used for commercial purposes;

“**spa-bath keeper**” means any person who owns or controls the operation of a spa-bath;

“**swimming pool**” means a structure with a controlled water supply used for swimming or bathing, including a children's swimming and paddling pool, but excluding a swimming pool at a private home which is not used for commercial purposes;

“**swimming pool keeper**” means any person who owns or controls the operation of a swimming pool.

66. Requirements for premises-

No person may operate a swimming pool or spa bath in or on any premises which do not comply with the following requirements:

- (a) readily accessible change-rooms, showers and toilet facilities must be provided separate for each sex in compliance with the National Building Regulations and Building Standards Act;
- (b) every swimming-pool must be surrounded by a wall or fence as prescribed by the National Building Regulations and Building Standards Act;
- (c) the surface of the floor area surrounding any spa-bath or swimming-pool must be constructed of an impervious, non-slip material;
- (d) an approved chemical gas mask must be provided at the chlorinator installation;
- (e) if so instructed in writing by Council or authorized person, an oxygen or air breathing apparatus must be provided; and
- (f) an adequate number of refuse receptacles must be provided on the premises.

67. Duties of spa-bath keepers- Every spa-bath keeper must –

- (a) keep the premises in a safe, clean and sanitary condition and in good repair at all times;
- (b) provide a properly maintained approved first-aid kit in a prominent, easily accessible and protected position;
- (c) purify, treat and maintain the spa-bath water to an adequate quality level at all times;
- (d) provide and maintain, in good working order, equipment for testing the quality of the spa-bath water;
- (e) be capable of undertaking routine tests on the water quality in the spa-bath and interpreting the tests results; and
- (f) maintain a daily record of the spa-bath water quality.

68. Duties of swimming pool keepers- Every swimming pool keeper must –

- (a) keep the premises in a safe, clean and sanitary condition at all times;
- (b) provide a properly maintained approved first-aid kit in a prominent, easily accessible and protected position;
- (c) be qualified and proficient in life saving, rendering first aid, use of a resuscitation appliance, the operation of the swimming pool and testing and maintaining the safety of the swimming pool water;
- (d) ensure that the swimming pool water is purified, treated and maintained to an adequate quality at all times;
- (e) provide and maintain, in proper working order, equipment for testing the quality of the swimming pool water;
- (f) be capable of undertaking routine tests on the water quality in the swimming pool and interpreting the tests results; and
- (g) maintain a daily record of the swimming pool water quality.

69. Water supply-

- (1) Unless the prior written approval of Council or authorised personnel has been obtained, no person operating a spa-bath or swimming pool may use water from a source other than a municipal supply to clean, fill or maintain the water level in a swimming pool or spa-bath.
- (2) Council or authorized person must –
  - (a) take samples of a swimming pool or spa-bath water, at intervals which it or he or she considers appropriate for the purpose of a chemical analysis or bacteriological examination of that water;
  - (b) submit the samples to an analyst authorised in terms of section 12 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 to conduct an analysis.

70. Safety of water-

Every spa-bath keeper and swimming pool keeper must ensure that the water in the spa-bath or swimming pool complies with the following requirements:

- (a) it must be free from floating, suspended or settled debris or swimming organisms and the walls, floor, access ladders or steps and gutters must be free from slime and algae;
- (b) the pH value of the water must be not less than 7 and not greater than 8;
- (c) where chlorine based disinfectants are used, a minimum free available chlorine residual of 0,5 mg/l, with a maximum free available chlorine residual of 3 mg/l, must be maintained;
- (d) if a disinfectant other than chlorine is used, the residual level must be equivalent in effect to the requirements of paragraph (c);
- (e) the total viable bacteriological count of any sample submitted for analysis, must not exceed 100 organisms per ml of water; and
- (f) Escherichia coli type 1 bacteria must not be present in any 100 ml of water.

71. Order and behaviour-  
No person may –
- (a) interfere with a spa-bath keeper or swimming pool keeper in the execution of his or her duties;
  - (b) allow any dog or other pet belonging to him or her or under his or her care to enter or to remain within the premises of a spa-bath or swimming pool, unless it is a guide dog accompanying a blind person;
  - (c) enter or remain in any premises of a spa-bath or swimming pool if he or she knows or suspects that he or she may be suffering from any communicable or contagious disease; and
  - (d) urinate, defecate, spit or blow his or her nose in a spa-bath or swimming pool.

**CHAPTER 12  
KEEPING OF ANIMALS**

72. Definitions- In this Chapter, unless the context otherwise indicates -

“**agricultural holding**” means the same as defined in the applicable Town Planning Scheme;

“**animal**” means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit, reptile, insects and wild animal;

“**aviary**” means an enclosure used for the keeping of birds, other than poultry but does not include a portable cage;

“**battery system**” means the method of keeping poultry or rabbits in cages in either single rows or tier formation within a building or structure;

“**cattery**” means premises in or upon which –

- (a) boarding facilities for cats are provided; or
- (b) cats are bred for commercial purposes;

“**enclosure**” in relation to an animal, means any kraal, pen, paddock, cage or other fenced or enclosed area erected to confine an animal from escaping or roaming freely on the remainder of the premises;

“**keeper**” means –

- (a) in relation to any animal, the owner of the animal or any other person responsible for feeding and caring for the animal;
- (b) in relation to a battery system, cattery, kennels, pet parlour or pet shop means the person who owns the business of which it forms part of and the person in charge of the premises in which the animals are kept;

“**kennels**” means premises in or upon which –

- (a) boarding facilities for dogs are provided;
- (b) dogs are bred for commercial purposes;
- (c) dogs are kept for the purposes of being trained or hired out with or without handlers; or
- (d) dogs are kept for commercial security purposes;

“**livestock**” means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry;

“**pet**” means a domestic animal, reptile, insect, bird or poultry kept in a household for companionship or amusement;

“**pet parlour**” means any premises where beauty treatment is given to pets by washing, drying, brushing, clipping, trimming or by attending to their nails or teeth;

“**pet shop**” means the premises on which the business of keeping and selling of pets is carried out;

“**poultry**” means fowls, ducks, muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea-fowls;

“**poultry house**” means any roofed-over building or structure in which poultry is kept, other than one in which a battery system is operated;

“**poultry run**” means any unroofed wire mesh or other enclosure in which poultry is kept, whether or not it is attached to a poultry house;

“**proclaimed township**” means an approved township as contemplated in the Mangaung Town Planning Scheme, or a township approved in terms of any prior law relating to townships;

“**rabbit hutch**” means any roofed-over building or structure in which rabbits are kept, other than one in which a battery system is operated;

“**rabbit run**” means any unroofed wire mesh or other enclosure in which rabbits are kept, whether or not it is attached to a rabbit hutch;

“**stable**” means any building or structure used to accommodate livestock other than poultry;

“**wild animal**” means an animal of a species that is not generally domesticated and without limitation includes all animals indigenous to South Africa other than domesticated guinea-fowls.

Part 1: General provisions relating to the keeping of animals

73. Application of Chapter-
- (1) Subject to the provisions of subsection (2), the provisions of this Chapter do not apply to -
    - (a) any agricultural show where animals are kept on a temporary basis; and
    - (b) any laboratory where animals are kept for research purposes.
  - (2) The provisions of these By-laws apply to the keeping of animals at any agricultural show and at research laboratories.
  - (3) No person may, keep or allow to be kept, any animal other than an approved pet on an erf in a proclaimed township, provided that not more than three (3) pets be kept on a premises and the keeping of such pet does not create or constitute a nuisance
  - (4) If at any time it appears to an authorized official that the keeping of poultry or rabbits on an erf or agricultural holding, in respect of which a permit has been granted, is likely to constitute a nuisance or danger to the public health, that official may -

- (a) cancel the permit; or
  - (b) prohibit the keeping of such poultry or rabbits, provided Council has given the holder of such permit and the occupier of the premises not less than 14 days' notice in writing of its intention to cancel the permit or prohibit keeping of such poultry or rabbits has considered any representations made within that period.
- (5) Council must serve a notice on the permit holder or the owner of the erf or agricultural holding concerned, informing him or her of a decision in terms of subsection (4) and instruct the owner to comply with the requirements within the period stated in such notice, which must be at least 48 hours.
- (6) Council must as soon as a permit has been cancelled, notify the permit holder of that fact in writing.
- (7) Council may, subject to the foregoing provisions of this section, issue a new permit if he is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

#### Part 2: Keeping of cattle, horses, mules and donkeys

##### 74. Requirements for premises-

- (1) No person may keep any cattle, horse, mule or donkey in a stable or enclosure that does not comply with the following requirements:
- (a) Every wall and partition of the stable must be constructed of brick, stone, concrete or other durable material;
  - (b) the internal wall surfaces of the stable must be constructed of smooth brick or other durable surface brought to a smooth finish;
  - (c) the height of the walls to the wall plates of the stable must –
    - (i) if the roof is a pitched roof be 2,4 metres;
    - (ii) if the roof is a flat roof be 2,7 metres;
    - (iii) if the roof is a lean to roof be a mean height of 3 metres with a minimum of 2,4 metres on the lowest side;
    - (iv) in the case of a stable which has an opening along the entire length of one of its long sides be not less than 2 metres;
  - (d) the stable must have a floor area of at least 9 m<sup>2</sup> for each head of cattle, horse, mule or donkey accommodated in it;
  - (e) lighting and ventilation must be provided by openings or glazed opening windows or louvers totaling at least 0,3 m<sup>2</sup> for each animal to be accommodated in it except in the case of a stable open along the entire length of one of its long sides;
  - (f) the lowest point of every opening, window or louvers must be at least 1,8 metres above floor level;
  - (g) the floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish graded to a channel and drained in terms of section 98;
  - (h) any enclosure must have an area of at least 10 m<sup>2</sup> for each head of cattle, horse, mule or donkey accommodated in it and the fencing must be strong enough to prevent the animals from breaking out;
  - (i) no enclosure or stable may be situated within –
    - (i) 15 metres of the boundary of any land, property, dwelling or other structure used for human habitation; or
    - (ii) 50 metres of any water resource or water supply intended or used for human consumption;
 and
  - (j) there must be a water supply adequate for drinking and cleaning purposes next to every stable or enclosure.

##### 75. Duties of keeper of cattle, horses, mules and donkeys-

Any person who keeps any cattle, horse, mule or donkey must -

- (a) maintain the premises, and any equipment, apparatus, container or receptacle used in connection with keeping the animal, in a clean and sanitary condition and in good repair;
- (b) provide portable manure storage receptacles of an impervious material and with close fitting lids;
- (c) keep every manure storage receptacle on a platform constructed of concrete or other durable and impervious material near the stable or enclosure;
- (d) if there is so much manure and bedding that storage receptacles are impractical, provide a manure container or area complying with the following requirements:
  - (i) the manure container or area must be roofed and enclosed by three walls constructed of brick, concrete or other durable material plastered to a smooth finish; and
  - (ii) the floor must be of smoothly finished concrete that is inclined so that it drains to a water channel along the full length of the open side, which is at least 127mm in diameter and is kept filled with water;
- (e) remove all the manure from the stable and enclosure at least once every 24 hours and place it in the manure storage receptacles or manure container or area until it is removed from the premises;
- (f) remove the contents of the manure storage receptacles or manure container or area from the premises at least once every second day and dispose of the manure in a way which will not create a public health nuisance;
- (g) remove all bedding from the stable at least once a week and store it in the manure receptacles or manure container or area until it is removed from the premises;
- (h) store all saddles, bridles, harnesses and other equipment or articles used in connection with the keeping of the animals, in a storeroom or other adequate storage facility;
- (i) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids; and
- (j) take adequate measures to keep the premises free of pests and to prevent offensive odours arising from the keeping of cattle, horses, mules and donkeys.

## Part 3: Keeping of goats and sheep

## 76. Application-

The provisions of section 77 also apply to the temporary keeping of a goat on any premises for the provision of milk for medical reasons.

## 77. Requirements for premises-

## (1) No person may keep goats or sheep in –

## (a) an enclosure which does not comply with the following requirements:

- (i) the minimum overall floor area must be 30 m<sup>2</sup>; and
- (ii) at least 1,5 m<sup>2</sup> of floor space must be provided for every goat or sheep accommodated in it;

or

## (b) a stable which does not comply with the following requirements:

- (i) every wall must be constructed of brick, stone, concrete or other durable material;
- (ii) every wall must be at least 2 metres in height and have a smooth internal finish;
- (iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel drained in terms of section 98;
- (iv) at least 1,5 m<sup>2</sup> of floor space must be provided for every goat or sheep accommodated in it with an overall minimum floor area of 6 m<sup>2</sup>; and
- (v) lighting and ventilation openings totaling at least 0,15 m<sup>2</sup> per goat or sheep must be provided.

## (2) No person may keep goats or sheep in an enclosure or stable within –

- (a) 15 metres of any boundary of any land, dwelling, building or other structure used for human habitation; or
- (b) 50 metres of any water resource or water supply intended or used for human consumption.

## (3) Every person must provide a water supply adequate for drinking and cleaning purposes situated next to or in every enclosure or stable used to accommodate goats or sheep.

## 78. Duties of keeper of goats and sheep-

Any person who keeps goats or sheep must -

- (a) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the animal in a clean and sanitary condition and in good repair;
  - (b) provide portable manure storage receptacles of an impervious material and with close fitting lids;
  - (c) keep every manure storage receptacle on a platform that enables the surface underneath the receptacle to be cleaned;
  - (d) remove all manure from the enclosure or stable at least once every seven days and place it in the manure storage receptacles;
  - (e) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way that will not create a public health nuisance;
- and
- (f) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids in the storeroom.
  - (g) Take adequate measures to keep the premises free of pests and to prevent offensive odours arising from the keeping of goats and sheep.

## Part 4: Keeping of poultry

## 79. Application-

The provisions of sections 81(d), (f), (g) and 82(e), do not apply to any person keeping ten or less poultry.

## 80. Permit requirement-

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

## 81. Requirements for premises-

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

## (a) In relation to a poultry house –

- (i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;
- (ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish;
- (iii) the upper floor of a two or more story structure must be constructed of an impervious and easily cleanable material;
- (iv) the minimum floor area must be –
  - (aa) 0,20 m<sup>2</sup> for each grown fowl, duck, muscovite duck or guinea fowl;
  - (bb) 0,5 m<sup>2</sup> for each grown goose, turkey or peacock; and
  - (cc) 0,14 m<sup>2</sup> for each grown pigeon; and
- (v) the minimum aggregate floor area must be 4 m<sup>2</sup>;

## (b) a poultry run, if provided, must be enclosed with wire mesh or other durable material;

- (c) in relation to a building or structure housing a battery system –
  - (i) every wall, if provided, must be at least 2,4 m high, must be constructed of concrete, stone, brick or other impervious material and must have a smooth internal surface;
  - (ii) if walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area not less than 15% of the floor area of the building or structure;
  - (iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and if required by an environmental health practitioner, the floor surface must be graded and drained by means of a channel drained in terms of section 98;
  - (iv) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its edges;
  - (v) the cages of the battery system must be made of an impervious material; and
  - (vi) if required by an environmental health practitioner, a tray of an impervious material must be fitted under every cage for the collection of manure;
- (d) a water supply adequate for drinking and cleaning must be provided in or next to every poultry house and poultry run and in or next to a building or structure housing a battery system;
- (e) no poultry house, poultry run, or building or structure housing a battery system, may be constructed within 3 metres of –
  - (i) any dwelling or other building or structure used for human habitation; and
  - (ii) any place where foodstuffs are stored or prepared for human consumption; or
  - (iii) the nearest boundary of any land;
- (f) feed must be stored in an adequate rodent-proof storeroom;
- (g) adequate washing facilities must be provided for the cleaning of the cages;
- (h) if required by an environmental health practitioner, due to the amount of manure stored on the premises awaiting removal, a storage area complying with the following requirements must be provided:
  - (i) A roofed platform constructed of concrete or other impervious material;
  - (ii) the platform's outside edges must have a minimum curb of 77 mm high;
  - (iii) the platform must be graded and drained in terms of section 98; and
  - (iv) the roof of the platform must extend a minimum of 1 meter beyond the edges of the base of the platform.

## 82. Duties of keeper of poultry-

Any person who keeps poultry must -

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

## Part 5: Keeping of rabbits

## 83. Application-

The provisions of sections 85(b), (c), (d), (f) and (g), and 86(d), (f) and (g), do not apply to any person keeping five (5) or less rabbits.

## 84. Permit requirements-

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

## 85. Requirements for the premises-

No person may keep rabbits in premises which do not comply with the following requirements:

- (a) In relation to a rabbit hutch -
  - (i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;
  - (ii) the floor surface must be –

- (aa) constructed of concrete or other impervious material brought to a smooth finish;
- (bb) situated at least 150 mm above ground level; and
- (cc) graded to a channel drained in terms of section 120, if required by an environmental health practitioner;
- (iii) adequate ventilation must be provided; and
- (iv) the rabbit hutch must be adequate in size to allow free unobstructed movement of animals kept therein.
- (b) any rabbit run must be enclosed with wire mesh or other durable material and constructed in a way that prevents the escape of rabbits from the run;
- (c) in relation to a building or structure housing a battery system –
  - (i) every wall must –
    - (aa) be at least 2,4 metres high;
    - (bb) be constructed of concrete, stone, brick or other durable material; and
    - (cc) must have a smooth internal surface;
  - (ii) if walls are provided, the building or structure must be ventilated and lighted by means of natural openings or windows of an area not less than 15% of the floor area of the building or structure;
  - (iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish, and if required by an environmental health practitioner, the floor surface must be graded to a channel drained in terms of section 98;
  - (iv) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its outside edges; and
  - (v) every cage must be constructed of an impervious material and fitted with trays of an impervious material for the reception of manure;
- (d) a water supply adequate for drinking and cleaning purposes must be provided in or next to every rabbit hutch or building or structure housing a battery system;
- (e) no person may erect a rabbit hutch, rabbit run or building or structure housing a battery system within five metres of –
  - (i) any dwelling, building or other structure used for human habitation;
  - (ii) any place where foodstuffs are stored or prepared for human consumption; or
  - (iii) the nearest boundary of any land;
- (f) an adequate rodent-proof storeroom must be provided for the storage of feed; and
- (g) adequate washing facilities must be provided for the cleaning of cages.

86. Duties of keepers of rabbits- Any person who keeps rabbits must -

- (a) keep all rabbits within the rabbit hutch, rabbit run or building or structure housing a battery system;
- (b) maintain the premises and any equipment, apparatus, containers or receptacles used in connection with keeping rabbits, in a clean, sanitary condition and in good repair;
- (c) maintain the premises free from offensive odours and every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free from pests;
- (d) provide portable manure storage receptacles of an impervious material with close-fitting lids which receptacles must be kept on a platform;
- (e) remove all manure and any other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system, at least once every 48 hours;
- (f) keep the manure and waste in manure storage receptacles until it is removed from the premises;
- (g) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a way which will not create a public health nuisance; and
- (h) Take adequate measures to keep the premises free of pests.

Part 6: Keeping of birds other than poultry

87. Requirements for the premises-

No person may keep any bird, other than poultry, in an aviary which does not comply with the following requirements:

- (a) the aviary must be constructed of durable rodent-proof material;
- (b) adequate access must be provided for cleaning purposes;
- (c) if the aviary is constructed above ground level, its base must be constructed of an impervious and durable material and must be situated a minimum of 300 mm above ground level;
- (d) the aviary may not be situated within three metres of any building or structure, boundary fence or boundary wall; and
- (e) a water supply adequate for drinking and cleaning purposes must be situated in or next to every aviary.

88. Duties of keepers of aviaries-

Any person who keeps birds in an aviary must -

- (a) ensure that the aviary and the premises are kept in a clean condition and free from pests;
- (b) provide and use rodent-proof facilities for the storage of bird food; and
- (c) ensure that the birds do not disturb the comfort, convenience, peace or quiet of the public.

## Part 7: Kennels and catteries

## 89. Requirements for premises-

No person may use premises as kennels or a cattery except in terms of a permit authorizing that activity and unless the premises comply with the following requirements:

- (a) every dog or cat must be kept in an enclosure which complies with the following requirements:
  - (i) the enclosure must be constructed of impervious materials and must provide adequate access for cleaning purposes;
  - (ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending the full width of the floor, which channel must be graded and drained into a gully connected to the Council's sewer by means of a pipe 100 mm in diameter; and
  - (iii) a curb 150 mm high must be provided along the edge of the channel, referred to in subparagraph (ii), to prevent any storm water runoff entering the channel; and
  - (iv) the enclosure must be adequate in size to allow free unobstructed movement of animals kept therein.
- (b) subject to the provisions of paragraph (c), every enclosure referred to in paragraph (a), must be provided with an adequate roofed shelter that complies with the following requirements:
  - (i) every wall must be made of brick, stone, concrete or other impervious material;
  - (ii) every wall must have a smooth internal surface;
  - (iii) the floor must be made of concrete or other impervious material brought to a smooth finish; and
  - (iv) every shelter must have adequate access for cleaning and eliminating pests;
- (c) a dog kennel which complies with the following requirements may be provided instead of the shelter contemplated in paragraph (b):
  - (i) the kennel must be constructed of an approved weatherproof and insulating material or other similar material;
  - (ii) the kennel must be movable;
  - (iii) the kennel must be placed on a base constructed of concrete or other impervious material with an easily cleanable finish; and
  - (iv) a sleeping board, which will enable the dog to keep dry, must be provided in any kennel that does not have a waterproof base;
- (d) a concrete apron extending at least one meter wide around the edges of the enclosure must be provided;
- (e) the apron must be graded and drained in a way that drains storm water away from the enclosure;
- (f) a water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the enclosure;
- (g) any cage in which cats are kept must be constructed of durable impervious material and in a manner that it may be easily cleaned; and
- (h) no shelter, enclosure or kennel may be situated within five metres of any –
  - (i) dwelling or other building or structure used for human habitation;
  - (ii) place where food is stored and prepared for human consumption; or
  - (iii) the boundary of the premises.

## 90. Food preparation areas-

Any keeper of kennels or a cattery who is so instructed by an environmental health practitioner, must provide a separate room or roofed area for the preparation of food which complies with the following requirements:

- (a) The floor of the room or roofed area must be constructed of concrete or other impervious material brought to a smooth finish;
- (b) the internal wall surfaces of the room or roofed area must be smooth and easily cleanable;
- (c) adequate washing facilities for food bowls and utensils must be provided; and
- (d) a rodent-proof storeroom must be provided for the storage of food.

## 91. Duties of a keepers of kennels or catteries- Any person operating kennels or a cattery must–

- (a) maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;
- (b) provide portable storage receptacles, of an impervious material with close fitting lids, for the storage of dog and cat faeces;
- (c) remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in paragraph (b);
- (d) remove the contents of the storage receptacles from the premises at least twice every seven days and dispose of it in a manner that will not create a public health nuisance;
- (e) store all loose food in receptacles, with close fitting lids, in the food store;
- (f) provide adequate refrigeration facilities to store perishable foods on the premises;
- (g) provide adequate separate refuse receptacles, with close fitting lids, on the premises for refuse other than faeces;
- (h) keep any sick dog or cat isolated from any other animals;
- (i) maintain the premises free from offensive odours and every enclosure, shelter, kennel, cage or food store clean and free from pests; and
- (j) ensure that no dog or cat disturbs the comfort, convenience, peace and quiet of the public.

## Part 8: Pet shops and pet parlors

## 92. Requirements for premises-

No person may operate a pet shop or pet parlour in or on any premises which do not comply with the following requirements:

- (a) Any wall and partition must –
  - (i) be constructed of brick, concrete or other impervious material;
  - (ii) have a smooth and easily cleanable internal surface; and
  - (iii) be painted with a washable paint or other adequate finish;
- (b) all floor surfaces must be constructed of concrete or other impervious material brought to a smooth finish;
- (c) all ceilings must be dust proof and easily cleanable;
- (d) at least one wash hand basin, with a supply of running hot and cold potable water, must be provided for employees and the ratio of wash hand basins to persons employed on the premises must not be less than 1:15;
- (e) the wash hand basins, referred to in subparagraph (d), must be drained in terms of section 99;
- (f) adequate storage facilities must be provided;
- (g) facilities for the washing of cages, trays and other equipment must be provided in the form of either –
  - (i) a curbed and roofed over platform with a minimum surface area of 1,5 m<sup>2</sup>, raised at least 100mm above the floor and constructed of concrete or other impervious material brought to a smooth finish, which platform must be provided with a supply of running potable water; or
  - (ii) a stainless steel sink or trough of adequate size with a drainage board and provided with a supply of running potable water;
- (h) the platform, sink or trough referred to in paragraph (g) must be drained in terms of section 99;
- (i) any wall surface within 0,5 metres of the platform, sink or trough referred to in paragraph (g), must be permanently covered with waterproof material to a minimum height of 1,4 metres above the floor;
- (j) a clearly designated change room must be provided if more than six persons are employed on the premises and every change room must –
  - (i) have a floor area providing at least 0,5 m<sup>2</sup> for each employee;
  - (ii) have a minimum overall floor area of 6 m<sup>2</sup> and width of two metres; and
  - (iii) be equipped with an adequate metal locker for each employee;
- (k) if no change room is required in terms of paragraph (j), each employee must be provided with an adequate metal locker;
- (l) for the purposes of washing, clipping or grooming of pets –
  - (i) a bathroom fitted with a bath, or similar fitting, and a wash hand basin supplied with running potable water must be provided;
  - (ii) a clipping and grooming room fitted with impervious topped tables and an adequate number of portable storage receptacles of an impervious durable material with close fitting lids, for the storage of cut hair pending removal, must be provided;
  - (iii) at least 50 % of the floor area of the rooms referred to in subparagraphs (i) and (ii), must be unobstructed; and
  - (iv) the floors of the rooms referred to in subparagraphs (i) and (ii), must be graded to a channel drained in terms of section 99;
- (m) all buildings, including storage areas, must be rodent-proof; and
- (n) the premises may not have direct internal access with any room or place –
  - (i) used for human habitation;
  - (ii) where clothing is stored or sold; or
  - (iii) where food is prepared, stored or sold for human consumption.

## 93. Duties of pet shop or pet parlour keepers-

Any keeper of a pet shop or pet parlour must –

- (a) provide cages for housing the pets which comply with the following requirements:
  - (i) the cages must be constructed of metal or other impervious material and fitted with a removable metal floor-tray to facilitate cleaning;
  - (ii) the exterior cavity of any tubular or hollow material used to construct a cage must be sealed;
  - (iii) the cages must be able to be moved easily;
  - (iv) where rabbits are kept in a cage, the metal floor-tray referred to in subparagraph (i), must be drained to a removable receptacle;
  - (v) the cages must be fitted with a drinking vessel filled with water;
  - (vi) the distance from any cage to the nearest wall must be a minimum of 150 mm;
  - (vii) the cages must be kept a minimum of 450 mm above floor level; and
  - (viii) the space below every cage must be unobstructed;
- (b) provide rodent-proof receptacles, of an impervious material and with close fitting lids, for the storage of all loose pet food in the storage facilities required in terms of section 115 (f);
- (c) provide adequate refrigeration facilities to store all perishable pet food on the premises;
- (d) ensure that in any room in which the pets are kept –
  - (i) 50 % of the floor space is unobstructed; and
  - (ii) the cages are placed a minimum of 800 mm from one another;



- (e) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment or appliances used in connection with the pet shop or pet parlour, in a clean and sanitary condition, free from pests and in good repair;
- (f) provide overalls or other protective clothing for employees and ensure that the employees wear them when on duty;
- (g) provide isolation facilities in which every pet which is, or appears to be, sick must be kept while on the premises;
- (h) provide an adequate supply of potable water for drinking and cleaning purposes;
- (i) provide adequate ventilation to ensure the comfort and survival of the pets; and
- (j) ensure that the number of pets contained in each cage does not impede their free movement.

#### Part 9: Keeping of wild animals

##### 94. Requirements for the premises-

No person may, without the approval of the relevant nature conservation authorities, keep wild animals on premises which do not comply with the following requirements:

- (a) Every wild animal must be kept in an enclosure and/or housing constructed and equipped as follows:
  - (i) The enclosure and/or housing must satisfy the needs of the specific animal as specified by the relevant nature conservation authorities;
  - (ii) the enclosure and/or housing may not be situated within 50 metres of –
    - (aa) any boundary of the premises;
    - (bb) any dwelling, building or structure used for human habitation;
    - (cc) any dwelling, building or structure where food is stored, handled or prepared for human consumption; or
    - (dd) any water resource intended for domestic consumption;
  - (iii) an adequate supply of potable water for drinking and cleaning purposes must be provided; and
  - (iv) the enclosure and/or housing must be graded and drained in a way that does not pollute any water resource or create a public health nuisance;
- (b) a separate room, equipped with a preparation table and wash-up sink, supplied with running potable water and drained in accordance with section 99, must be provided for the preparation of food;
- (c) adequate facilities must be provided for washing any cages, trays, crates, refuse receptacles and food containers in the form of either –
  - (i) a curbed platform constructed of concrete or other impervious material brought to a smooth finish; or
  - (ii) a stainless steel sink or trough adequate in size to accommodate the equipment to be washed;
- (d) both facilities referred to in paragraph (c) must be provided with a supply of running water adequate for drinking and cleaning and be drained in accordance with section 99; ;
- (e) any area and room in which fodder and food are stored must be rodent-proof; and
- (f) the enclosure and/or housing must be adequate in size to allow free unobstructed movement of animals kept therein.

##### 95. Duties of keepers of wild animals-

Any person who keeps wild animals must –

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

#### Part 10: Keeping of pigs

##### 96. Requirements for premises-

No person may keep pigs on premises which do not comply with the following requirements:

- (a) Every wall must –
  - (i) be constructed of brick, stone, concrete or other durable material;
  - (ii) have a minimum height of 1,5 metres; and
  - (iii) have a smooth, impervious internal surface;
- (b) the floor area must provide at least 3 m<sup>2</sup> for each pig accommodated in the pigsty, with an overall minimum floor area of 6 m<sup>2</sup>;
- (c) the roof over any portion of a pigsty must have a minimum height of 1,5 metres;
- (d) except in the case of a roofed structure having one of its long sides completely open, the lighting and ventilation openings must –
  - (i) be situated opposite one another in the external walls; and
  - (ii) provide a minimum of 0,15 m<sup>2</sup> for each pig;
- (e) the floor must be –
  - (i) at least 150 mm above the surrounding ground level;
  - (ii) constructed of concrete or other durable and impervious material brought to a smooth finish; and
  - (iii) graded for the run-off of liquids into an open channel outside the pigsty;

- (f) the open channel referred to in paragraph (e)(iii) must –
  - (i) be constructed of concrete or other durable and impervious material;
  - (ii) be a minimum of 100 mm in diameter; and
  - (iii) be drained in terms of section 98;
- (g) the pigsty must be strong enough to prevent the pigs breaking out;
- (h) the pigsty may not be situated within 100 metres of –
  - (i) the boundary of the premises;
  - (ii) any dwelling, building or structure used for human habitation;
  - (iii) any place where foodstuffs are stored or prepared for human consumption; or
  - (iv) any water resource intended for domestic consumption;
- (i) a roofed over concrete platform must be provided for –
  - (i) the storage of all swill in containers; and
  - (ii) the preparation of pig feed;
- (j) the platform referred to in paragraph (i) must comply with the provisions of paragraph (e) and in addition, must have a curbing of a minimum height of 100 mm on each edge; and
- (k) a water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the pigsty.
- (l) effective fly control measures must be provided.

97. Duties of keepers of pigs-

Every person keeping pigs must -

- (a) ensure that every pig is kept within a pigsty;
- (b) maintain the premises and any equipment, apparatus, containers and receptacles concerned in a clean and sanitary condition and in good repair;
- (c) provide portable storage receptacles, of impervious material and with close fitting lids, to store manure;
- (d) keep all manure storage receptacles on a platform that complies with the provisions of section 98(b);
- (e) remove all manure from the pigsty at least once every 24 hours and place it in the manure storage receptacles;
- (f) remove the contents of the manure storage receptacles from the premises at least once every second day and dispose of the manure in a manner that will not create a public health nuisance;
- (g) provide a rodent-proof store-room of adequate size in which all feed, other than swill, must be stored; and
- (h) provide rodent-proof receptacles, with close fitting lids, in which to store all loose feed.

Part 11: Keeping of pets

98. Duties of keepers of pets-

Any person who keeps pets must –

- (a) maintain the premises in a clean and sanitary condition at all times;
- (b) clean all manure and food scraps from any premises at adequate intervals;
- (c) prevent the soil beneath or around any premises from becoming saturated with urine or polluted by any other matter or liquid
- (d) ensure the availability of drinking water on the premises.

Part 12: General provisions

99. Drainage-

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

100. Requirements for keeping of bees-

- (1) No person may keep bees on any premises unless –
  - (a) that person is the holder of a permit authorising that activity; and
  - (b) every bee hive is situated –
    - (i) a minimum of five metres from any boundary of the premises; and
    - (ii) a minimum of twenty metres from any public place or building used for human habitation or from any place used for the keeping of animals, poultry and birds;
  - (c) the bees are kept in an approved bee hive; and
  - (d) the bee hive is –
    - (i) kept in an area inaccessible to children and animals;
    - (ii) kept in the shade at all times; and.
- (2) No person may dump or deposit any garbage, compost, grass cuttings or manure within five metres of any bee hive.

101. Illness attributable to animals, poultry or birds-
- (1) The illness of any person, which may be attributed to any animal, poultry or bird kept or handled by that person, must be reported to an environmental health practitioner within 24 hours of diagnosis, by the person making the diagnosis.
  - (2) An environmental health practitioner may order the removal of an animal, poultry or bird from premises if he or she reasonably believes that the animal poses a public health nuisance or public health hazard.
102. Keeping of and slaughtering animals for religious and ceremonial purposes-
- (1) A person intending to slaughter an animal in any place other than in a recognised Abattoir must -
    - (a) notify the Council in writing, three (3) days prior to the event; and;
    - (b) submit prior written permission from the owner, tenant or person in control of the land where such a slaughtering will occur if the person who performs the slaughtering is not the owner, tenant or person in control of the relevant land; if the applicant is the owner, proof of ownership must be submitted with the application;
    - (c) obtain prior written permission from Council to conduct such a slaughtering,
    - (d) slaughter the animal in a position where the slaughtering cannot be observed by any person on neighbouring premises or any member of the public;
    - (e) use the meat derived from the slaughtered animal solely for the purposes of the religious or ceremonial feast;
    - (f) handle the meat in a hygienic manner at all times;
    - (g) dispose of any portions, faecal deposits and blood of the animal which are not used or consumed, in a manner which will not become a public health hazard or public health nuisance;
    - (h) not keep such animal prior to slaughtering for a period in excess of 12 hours; and
    - (i) ensure that the animal does not cause a noise nuisance or disturbing noise whilst being kept for slaughter or being slaughtered.
  - (2) A person intending to slaughter an animal for religious and/or ceremonial purposes may require the services of an environmental health practitioner for post-mortem examination of the slaughtered animal at a cost determined by Council from time to time.

## CHAPTER 13

### CARAVAN PARKS AND CAMPING GROUNDS

103. Definitions- For the purposes of this chapter, unless the context otherwise indicates,
- “approved”** means approved by the Council, regard being had to the reasonable public health requirements of the particular case;
- “camp”** or **“camping”** means the erection or use of a temporary or movable structure for the purpose of human occupation, including tents but excluding non-folding caravans;
- “camping ground”** means an area of land on which accommodation is provided for camping purposes, whether or not a charge is made for such accommodation;
- “camp site”** means an area or plot of ground within a camping ground for the accommodation of a camper's party;
- “camper's party”** means a party of not more than six persons;
- “caravan”** means a vehicle, with or without means of self-propulsion, designed and permanently constructed for sleeping or dwelling purposes, or both, intended for travel, recreation and vocational purposes and having no foundation other than wheels which may be supplemented by stabilizing jacks. (Park Homes or any other similar structure or vehicle not normally permitted without a special permit are from this definition).
- “caravan park”** means an area of land on which accommodation is provided for three or more caravans, whether or not a charge is made for such accommodation;
- “caravan site”** means an area or plot of ground within a caravan park for the accommodation of a caravan and its towing vehicle, if any;
104. Requirements for Premises-
- (1) For each caravan or camp site there shall be provided a clearly demarcated and numbered level area of not less than 120 m<sup>2</sup> with a minimum width of 10m.
  - (2) In addition to the area required in terms of sub-section (1), there shall be provided, for recreational purposes, an area equal to at least 25% of the gross usable area of the caravan park or camping ground.
  - (3) Roadways not less than 5m in width, with a hardened surface, shall be provided so as to afford vehicle adequate access to all caravan or camp sites under all weather conditions, and such roads shall afford free access to a public road.
  - (4) The caravan park or camping ground shall be properly and attractively laid out and landscaped, and it shall be a condition that the plan as approved by the Council shall be adhered to in every detail by the licensee.
  - (5) Approved direction signs, indicating the water closets, urinals, ablution and other facilities required in the caravan park or camping ground in terms of these by-laws, shall be placed at approved points.
  - (6) A fence not less than 2m high and meeting with the approval of the Council shall be provided to enclose the entire area of the caravan park or camping ground.
  - (7) The entrance to the caravan park or camping ground, roadways, paths, water closets, urinals, ablution and other facilities, and the fire fighting and first aid points, shall be adequately illuminated during the hours of darkness.
  - (8) An adequate and constant supply of potable water, shall be available and one permanent stand pipe shall be provided in a convenient position for every four caravan or camp sites, and under every stand pipe tap there shall be a gully trap set in a dished and properly rendered surround and connected to an approved drainage system.
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- (9) All baths, showers and wash hand basins shall be provided with an adequate and constant supply of hot and cold running water and shall be fitted with waste pipes suitably trapped and discharging over and into an external gully connected to an approved drainage system.
- (10) Every bathroom or shower cubicle shall have a door which is lockable from the inside and shall be provided with a built-in soap dish. In addition, every bathroom shall be provided with a seat and a wall hook or a towel rail of at least 600mm and every shower cubicle with a disrobing area suitably screened from the shower, a seat and a wall hook or towel rail of at least 600mm.
105. Sanitary Facilities  
The following separate water closet and urinal accommodation shall be provided:
- (1) Males: A minimum of one water closet and 750 mm of urinal space for every eight caravan or camp sites or part thereof. The bucket and channel of the urinal shall be of stainless steel or other approved material.
- (2) Females: A minimum of two water closets and thereafter an additional water closet for every six caravan or camp sites or part thereof in excess of twelve sites. A binette with a self-closing lid shall be provided in each water closet.
- (3) The internal wall surface of all bathrooms, shower cubicles and water closets shall be painted with a light colored oil paint or shall be provided with a wall covering of an approved material.
- (4) All water closets, urinals, ablution and other facilities shall be suitably designated and the entrances in the water closets, urinals and ablution facilities shall be screened from public view.
- (5) An approved slop sink unit with an adequate and constant supply of cold running water shall be provided for caravaners and campers where chemical toilets receptacles shall be emptied and cleaned. The unit shall be installed within a separate compartment adjacent to an ablution block with access thereto for both sexes. The floor of such compartment shall be graded and drained to an approved drainage system.
- (6) For every twenty caravan or camp sites or part thereof for the uses of caravaners or campers, a screened or enclosed drying yard and a laundry room equipped with a double bowl stainless steel laundry trough and an ironing board or table shall be provided. The laundry trough shall be provided with an adequate and constant supply of hot and cold running water and fitted with waste pipes suitably trapped and discharging over and into an external gully connected in an approved drainage system. An earthed 15 ampere socket outlet for a three-pin plug shall be fitted in the laundry room.
- (7) For every twenty caravan sites or part thereof and for every ten camp sites or part thereof, there shall be provided under a roofed area, on an approved impervious floor, which shall be graded and drained to an approved drainage system, a double compartment wash-up sink unit for the washing of caravaner's or camper's culinary utensils.

#### CHAPTER 14 EXHUMATIONS

106. Application to exhume a body or body ashes-  
Any person who intends to exhume or cause to exhume a body or body ashes shall comply with provisions of these By-laws.
107. Exhumation requirements-  
The Environmental Health Services shall grant authorization for an exhumation to be conducted subject to compliance with the following requirements:
- (1) Handling of the mortal remains must be done by a registered undertaker.
- (2) All persons engaged in the physical exhumation shall be provided with approved protective clothing such as durable hand gloves, overalls, gumboots and aprons of durable material and nose and mouth masks.
- (3) An effective, approved disinfectant to be provided and effectively used to disinfect during and after exhumation.
- (4) After exposing the coffin, and/or body remains, such coffin, body remains and soil surrounding it shall be effectively disinfected.
- (5) If the coffin is still in a good state of repair it must not be opened and must be placed in a suitable container immediately after exhumation.
- (6) If the deceased has not been buried in a coffin, or if the state of decomposition of the coffin and the remains render compliance with sub-section (5) impossible, the remains and the content of the grave must be placed in a suitable container immediately after exhumation.
- (7) All used disposable protective clothing to be placed into refuse bags and to be disposed of in an approved manner.
108. General provision  
The applicant must at all times comply with the provisions of the By laws relating to Municipal Cemeteries of the municipality.

#### CHAPTER 15

##### LAUNDRIES

#### 109. Definitions

- (1) In these by-laws, unless the context indicates otherwise -  
**"clothes or clothing"** shall mean and include all articles of wearing apparel, table linen, bed linen and window curtains, or any other articles submitted for laundry work;  
**"Council"** means the municipal council of the Mangaung 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;  
**"Head"** means the Head: Social Services or a person delegated by her to perform the functions set out in these by-laws;

"laundry" means and include all premises where laundry work is performed;

"laundry work" shall mean and include the washing, mangling, drying, bleaching, dry cleaning and ironing of any clothing or clothes, for gain and also delivery thereof;

"receiving depot" shall mean such premises other than a laundry, where clothes or clothing are deposited, kept or stored for purposes of laundry work and shall include the entire apartment in which such depot is situated;

"prescribed fees" means the fees as determined from time to time by the Council by means of resolution;

## APPLICATION AND REQUIREMENTS

### 110. Application

These by-laws shall not apply to any person performing laundry work on private premises.

### 111. Registration of laundry

- (1) Any person desiring to establish or carry on any laundry or receiving depot within the municipality shall apply in writing on the prescribed forms, to the municipality for a Certificate of Registration in respect of the premises concerned.
- (2) Such Certificate of Registration shall be in the format as approved from time to time.
- (3) No Certificate of Registration shall be transferable from one person to another without the prior written consent of the Council.
- (4) Subject to section 110, no person may conduct a business as a laundry or receive any clothes or clothing to be laundered on any premises not registered in accordance with these by-laws.  
A person in contravention of this subsection shall be guilty of an offence.
- (5) Premises registered as a receiving depot in terms of these regulations shall be used for such purposes exclusively.

### 112. Requirements for buildings, appliances, apparatus and furniture

- (1) Every person conducting the business of a laundry shall in respect of the premises where any such business is carried on, or in respect of the appliances, apparatus and furniture used on such premises, or in respect of the persons engaged in connection with such business, or in respect of the conducting of such business, comply with the following conditions:
  - (a) every building in which laundry work is performed shall be sufficiently lighted and ventilated by means of windows, doors and other openings so as to clear contaminated air therein.
  - (b) the floor of every wash-place in a laundry shall be properly paved with cement concrete with a smooth surface or with other hard and impermeable material and shall be properly and efficiently drained. The walls of every such wash-place shall be of smooth finish and covered either in oil-based paint or with glazed tiles, impervious bricks or a washable surface to a height of at least 2 metres from floor level.
  - (c) the wash-stone, bench, slab, block or other implement, article or thing used for the purpose of receiving clothes or clothing in the process of being soaped or cleaned, shall be constructed in such a manner to permit being kept in a thoroughly clean condition at all times.
  - (d) every part of the laundry including the furniture and fittings therein shall at all times be kept scrupulously clean and free from vermin.
  - (e) every employee in a laundry shall be clean in person and his wearing apparel shall be kept in a proper state of cleanliness. Suitable overalls shall be provided by the employer and shall be worn by all persons engaged in the laundry. Such overalls shall not be removed from the laundry premises.
  - (f) all clothes or clothing brought into any laundry for laundry work shall be kept in such laundry until returned to the owner thereof or to the Receiving Depot.
  - (g) no iron, stove or other apparatus likely to emit noxious fumes or gas injurious or dangerous to health shall be used in a laundry, unless efficient ventilation as prescribed by national legislation or regulations, are provided to the rooms in the laundry where these gasses are used.

## MISCELLANEOUS

### 113. Department stores

- (1) Department stores may also be used as receiving depots, on condition that there shall be provided therein :
  - (a) a separate counter situated at least nine metres from the nearest foodstuffs for the exclusive reception or delivery of clothes or clothing;
  - (b) bags made of canvas or other suitable material in which all soiled clothes or clothing awaiting removal, shall be deposited and kept;
  - (c) a hand wash-basin with running water and fitted with a proper and suitable trapped waste pipe discharging over an open gully, and
  - (d) an adequate supply of soap and towels for the use of persons handling soiled clothes or clothing.

### 114. Prohibited actions

- (1) No portion of any premises, room or apartment in which foodstuffs are kept shall be used as a receiving depot unless the requirements of section 112 (1) (b), (c) and (d) of these by-laws have first been complied with.
  - (2) No premises shall be used as a receiving depot, unless the requirements of section 113 (1) (c) and (d) of these by-laws have first been complied with. Provided that if hairdressing saloons are registered as receiving depots, a portion of such saloons shall, to the entire satisfaction of the Executive Director, be partitioned off and provided with a separate counter.
-

- (3) No person shall wash any clothes or clothing in any public stream of water or public body of water within the municipality.  
 (4) No person shall be permitted to sleep, eat or reside in a laundry or place used for laundry work.

#### 115. Infectious diseases

Whenever in the opinion of the Head :Social Services it is deemed desirable, in order to prevent the spread of an infectious disease, that the municipality be furnished with a list of the customers of any laundry, the Head: Social Services may require the owner or manager of such laundry to furnish her within a specified time with a full and complete list of the names and addresses of such customers, and the said proprietor shall furnish such list accordingly.

#### 116. Offences and penalties

- (1) Any person contravening or failing to comply with any of the provisions of these by-laws shall be guilty of an offence and shall upon conviction by a court be liable to a fine not exceeding R 60 000, or imprisonment for a period not exceeding three years or both a fine as well as period of imprisonment, or such other fine or period of imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of section 69 of the Magistrate's Courts Act, 1944 (Act No 32 of 1944).  
 (2) Any expense incurred by the Council as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Council from the person who committed the contravention or who failed to do such thing

#### 117 . Repeal

The By laws relating to Laundries as promulgated by Local Government Notice No 111 of 28 October 2005 are hereby repealed.

### CHAPTER 16

#### AIR POLLUTION CONTROL

##### PART I

##### INTERPRETATION AND FUNDAMENTAL PRINCIPLES

#### 118. Definitions-

In this chapter, unless the context indicates otherwise-

“**adverse effect**” means any actual or potential impact on the environment that impairs, or would impair the environment or any aspect of it to an extent that is more than trivial or insignificant,

“**air pollutant**” means any substance (including but not limited to dust, smoke, fumes and gas) that causes or may cause air pollution;

“**air pollution**” means any change in the composition of the air caused by smoke, soot, dust (including fly ash), cinders, solid particles of any kind, gases, fumes, aerosols, and odours substances.

“**atmosphere**” means air that is not enclosed by a building, machine, chimney or other such structure;

“**authorized person**” means any person authorized by the Council to implement any provision of this by-law;

“**best practicable means**” means the most effective measures that can reasonably be taken to prevent, reduce or minimize air pollution, having regard to all relevant factors including, among others, local conditions and circumstances, the likelihood of adverse effects, the current state of technical knowledge and the financial implications relative to the degree of environmental protection expected to be achieved by application or adoption of the measures;

“**chimney**” means any structure or opening of any kind from or through which air pollutants may be emitted;

“**compressed ignition powered vehicle**” means a vehicle powered by an internal combustion, compression ignition, diesel or similar fuel engine;

“**dark smoke**” means:

(a) in respect of Part IV and V of this chapter, smoke which when measured using a light absorption meter or obscuration measuring equipment has an obscuration of 20% or greater;

(b) in respect of Part VI of this chapter:

- i. smoke which has a density of 60 Hartridge smoke units or more, provided that in relation to emissions from turbo-charged compressed ignition powered engines, it means a density of 66 Hartridge smoke units or more; or
- ii. smoke which has a light absorption co-efficient of more than 2.125m<sup>-1</sup>, provided that in relation to emissions from turbo-charged compressed ignition powered engines, it means a light absorption coefficient of more than 2.51m<sup>-1</sup>,

“**dust**” means any solid matter in a fine or disintegrated form which is capable of being dispersed or suspended in the atmosphere;

“**dwelling**” means any building or other structure, or part of a building or structure, used as a dwelling, and any outbuildings ancillary to it, but excludes shacks and informal settlements;

“**environment**” means the surroundings within which humans exist and that are made up of –

- (a) the land, water and atmosphere of the earth;
  - (b) micro-organisms, plant and animal life;
  - (c) any part of combination of (a) and (b) and the interrelationships among and between them;
- and
- (d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well being;

“**free acceleration test**” means the method employed to determine whether compressed ignition powered vehicles emit dark smoke and are being driven or used in contravention to relevant legislation;

“**fuel-burning equipment**” means any furnace, boiler, incinerator, or other equipment, including a chimney:

- (a) designated to burn or capable of burning liquid, gas or solid fuel;
- (b) used to dispose of any material or waste by burning; or
- (c) used to subject liquid, gas or solid fuel to any process involving the application of heat;

“**light absorption meter**” means a measuring device that uses a light-sensitive cell or detector to determine the amount of light absorbed by an air pollutant;

“**living organism**” means any biological entity capable of transferring or replicating genetic material, including sterile organisms and viruses;

“**municipal manager**” means a person appointed as such by the Council in terms of the provisions of section 2 of the Local Government: Municipal Systems Amendment Act;

“**nuisance**” means, for the purpose of this chapter, an unreasonable interference or likely interference caused by air pollution with:

- (a) the health or well being of any person or living organism; or
- (b) the use and/or enjoyment by an owner or occupier of his or her property and or environment;

“**obscuration**” means the ratio of visible light attenuated by air pollutants suspended in the effluent streams to incident visible light, expressed as a percentage;

“**open burning**” means the combustion of material by burning without a chimney to vent the emitted products of combustion to the atmosphere, and

“**burning in the open**” has a corresponding meaning;

“**operator**” means a person who owns or manages an undertaking, or who controls an operation or process, which emits air pollutants;

“**proclaimed township**” means any land unit zoned and utilized for residential purposes;

“**person**” means a natural person or a juristic person;

“**premises**” means, for the purpose of this chapter, any building or other structure together with the land on which it is situated and any adjoining land occupied or used in connection with any activities carried on in that building or structure, and includes any land without any buildings or other structures and any locomotive, which operates or is present within the area under the jurisdiction of the Council.

“**public road**” means a road which the public has the right to use;

“**smoke**” means the gases, particulate matter and products of combustion emitted into the atmosphere when material is burned or subjected to heat and includes the soot, grit and gritty particles emitted in smoke;

“**vehicle**” means any motor car, motor carriage, motor cycle, bus, motor lorry or other conveyance propelled wholly or partly by any volatile spirit, steam, gas or oil, or by any means other than human or animal power.

## PART II

### DUTY OF CARE

#### 119. Person causing air pollution-

- (1) Any person who is wholly or partially responsible for causing significant air pollution or creating a risk of significant air pollution occurring must take all reasonable measures:
    - (a) to prevent any potential significant air pollution from occurring; and
    - (b) to mitigate and, as far as reasonably possible, to remedy any significant air pollution that has occurred.
  - (2) The Council may, by resolution direct any person who fails to take the measures required under subsection (1) –
    - (a) to investigate, evaluate and assess the impact of specific activities and report thereon;
    - (b) to commence taking specific reasonable measures before a given date;
    - (c) to diligently continue with those measures, and
    - (d) to complete them before a specified reasonable date.
    - (e) Prior to making such resolution Council must give affected persons adequate opportunity to inform them of their relevant interests and to consult with any other organ of state.
  - (3) Should a person fail to comply, or inadequately comply, with a directive under subsection (2), the Council may take reasonable measures to remedy the situation referred to in the directive.
  - (4) Provided that if such person fails to take the measures required of him or her under subsection (1), the Council may recover all reasonable costs incurred as a result of it acting under subsection (3) from any of all of the following persons -
    - (a) any person who is or was responsible for, or who directly or indirectly contributed to, the air pollution or the potential air pollution;
    - (b) the owner of the land at the time when the air pollution or the potential for air pollution occurred, or that owner’s successor in title;
    - (c) the person in control of the land or any person who has or had a right to use the land at the time when –
      - (i) the activity or the process in question is or was performed or undertaken; or
      - (ii) the situation came about; or
    - (d) any person who negligently failed to prevent -
      - (i) the activity or the process being performed or undertaken; or
      - (ii) the situation from coming about.
  - (5) If more than one person is liable under subsection (4), the liability may be apportioned among the persons concerned according to the degree to which each was responsible for the harm to the environment resulting from their respective failures to take the measures required under subsection (1) and (2).
-

## PART III

## SMOKE EMISSIONS FROM PREMISES OTHER THAN DWELLINGS

120. Application- For the purpose of this Part, "premises" does not include dwellings.
121. Prohibition-
- (1) Subject to subsection (2), dark smoke shall not be emitted from any premises for an aggregate period exceeding three minutes during any continuous period of thirty minutes.
  - (2) This section does not apply to dark smoke which is emitted from fuel-burning equipment which occurs while the equipment is being started or while the equipment is being overhauled or repaired, or awaiting overhaul or repair, unless such emission could have been prevented using the best practicable means available.
  - (3) If dark smoke is emitted in contravention of subsection (1) the owner, operator and/or the occupier of the premises shall be guilty of an offence.
122. Installation of fuel-burning equipment-
- (1) No person shall install, alter, extend or replace any fuel-burning equipment on any premises without the prior written authorization of the Council, which may only be given after consideration of the relevant plans and specifications.
  - (2) Any fuel-burning equipment installed, altered, extended or replaced on premises in accordance with plans and specifications submitted to and approved, for the purposes of this section, by the Council shall be presumed until the contrary is proved to comply with the provisions of subsection (1)
  - (3) Where fuel-burning equipment has been installed, altered, extended or replaced on premises in contravention of subsection (1):
    - (a) the owner and occupier of the premises and the installer of the fuel-burning equipment shall be guilty of an offence;
    - (b) the Council may, on written notice to the owner and occupier of the premises, order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator and within the period stated in the notice.
123. Operation of fuel-burning equipment-
- (1) No person shall use or operate any fuel-burning equipment on any premises contrary to the authorization referred to in section 122(1).
  - (2) Where fuel-burning equipment has been used or operated on the premises in contravention of subsection (1):
    - (a) the owner and occupier of the premises and the operator of the fuel-burning equipment shall each be guilty of an offence;
    - (b) The Council may on written notice to the owner and occupier of the premises:
      - (i) revoke its authorization under section 122(1); and
      - (ii) order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator and within the period stated in the notice.
124. Presumption-
- In any prosecution for an offence under section 123 dark smoke shall be presumed to have been emitted from premises if it is shown that any fuel or material was burned on the premises and the circumstances were such that the burning would be reasonably likely to give rise to the emission of dark smoke, unless the owner, occupier or operator, as the case may be, shows that no dark smoke was emitted.
125. Installation and operation of obscuration measuring equipment-
- (1) Council or an authorized person may give notice to any operator of fuel-burning equipment or any owner or occupier of premises on which fuel-burning equipment is used or operated, or intended to be used or operated, to install, maintain and operate obscuration measuring equipment at his or her own cost, if:
    - (a) unauthorized and unlawful emissions of dark smoke from the relevant premises have occurred consistently and regularly over a period of at least two days;
    - (b) unauthorized and unlawful emissions of dark smoke from the relevant premises have occurred intermittently over a period of at least fourteen days;
    - (c) fuel-burning equipment has been or is intended to be installed on the relevant premises which is reasonably likely in the opinion of an authorized person to emit dark smoke;
    - (d) the person on whom the notice is served has been convicted more than once under this Part III and has not taken adequate measures to prevent further contravention of the provisions of this Part; or
    - (e) the authorized person considers that the nature of the air pollutants emitted from the relevant premises is reasonably likely to create a hazard to human health or the environment.
  - (2) A notice referred to in subsection (1) must inform the person to whom it is addressed of:
    - (a) that person's right to make written representations and to appear in person to present and dispute information and arguments regarding the notice, and must stipulate a reasonable period within which this must be done;
    - (b) that person's right of appeal under section 137;
    - (c) that person's right to request written reasons for the issuing of the notice; and
    - (d) the measures that must be taken and the potential consequences if the notice is not complied with.
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## 126. Monitoring and sampling-

- (1) An occupier or owner of premises, and the operator of any fuel-burning equipment, who is required to install obscuration measuring equipment in terms of section 125(1) must:
- (a) record all monitoring and sampling results and maintain a copy of this record for at least four years after obtaining the results;
  - (b) if requested to do so by an authorized person, produce the record of the monitoring and sampling results for inspection, and
  - (c) if requested to do so by an authorized person, provide a written report (in a form and by a date specified by the authorized person) of part or all of the information in the record of the monitoring and sampling results.

## 127 Exemption-

- (1) Subject to section 122 and on application in writing by the owner or occupier of premises or the operator of fuel-burning equipment, the Council may grant a temporary exemption in writing from one or all the provisions of this Part.
- (2) Any exemption granted under subsection (1) must state at least the following:
- (a) a description of the fuel-burning equipment and the premises on which it is used or operated;
  - (b) the reason for granting the exemption;
  - (c) the conditions attached to the exemption, if any;
  - (d) the period for which the exemption has been granted; and
  - (e) any other relevant information.

## PART IV

## SMOKE EMISSIONS FROM DWELLINGS

## 128. Restrictions to emission of dark smoke-

- (1) Subject to section 121(2), no person shall emit or permit the emission of dark smoke from any dwelling for an aggregate period exceeding three minutes during any continuous period of thirty minutes.
- (2) Any person who emits or permits the emission of dark smoke in contravention of subsection (1) commits an offence.
- (3) Provided an application is in writing by the owner or occupier of any dwelling, the Council may grant a temporary exemption in writing from one or all of the provisions of this Part.

## PART V

## EMISSIONS CAUSED BY OPEN BURNING

## 129. Open burning of material on any land-

- (1) Subject to subsection 4, any person who carries out open burning of any material on any land or premises is guilty of an offence, unless the prior written authorization of the Council, which may include the imposition of further conditions with the person requesting authorization must comply, has been obtained.
- (2) The Council may not authorize open burning under subsection (1) unless it is satisfied that the following requirements have been adequately addressed or fulfilled:
- (a) the material will be open burned on the land from which it originated;
  - (b) that person has investigated and assessed every reasonable alternative for reducing, reusing or recycling the material in order to minimize the amount of material to be open burned, to satisfaction of the Council;
  - (c) that person has investigated and assessed every reasonable alternative for removing the material from the land or premises, to the satisfaction of the Council;
  - (d) that person has investigated and assessed the impact that the open burning will have on the environment, to the satisfaction of the Council;
  - (e) a warning under section 10(1)(b) of the National Veld and Forest Fire Act, 1998 (Act 101 of 1998) has been published for the region;
  - (f) the land on which that person intends to open burn the material is State land, a farm or small-holding, or land within a proclaimed township that is not utilized for residential purposes;
  - (g) the open burning is conducted at least 100 metres from any buildings or structures;
  - (h) the open burning will not pose a potential hazard to human health or safety, private property or the environment.
  - (i) That person has notified in writing the owners and occupiers of all adjacent properties of:
    - (i) all known details of the proposed open burning; and
    - (ii) the right of owners and occupiers of adjacent properties to lodge written objections to the proposed open burning with the Council within 7 days of being notified; and
  - (j) the prescribed fee has been paid to the Council.
- (3) Any person who undertakes or permits to be undertaken open burning in contravention of subsection (1) commits an offence.
- (4) The provisions of this section shall not apply to:
- (a) recreational outdoor barbecue or braai activities on private premises;
  - (b) small controlled fires in informal settlements for the purposes of cooking, heating water and other domestic purposes; or
  - (c) any other defined area or defined activity to which the Council has declared this section not to apply.

## PART VI

## EMISSIONS FROM COMPRESSED IGNITION POWERED VEHICLES

## 130. Prohibition-

- (1) No person may on a public road drive or use, or cause to be driven or used, a compressed ignition powered vehicle that emits dark smoke.
- (2) If dark smoke is emitted in contravention of subsection (1) the owner and the driver of the vehicle shall each be guilty of an offence.
- (3) For purposes of this section the registered owner of the vehicle shall be presumed to be the driver unless the contrary is proven.

## 131. Stopping of vehicles for inspection and testing-

- (1) In order to enable an Council or an authorized person to enforce the provisions of this Part, the driver of a vehicle must comply with any reasonable direction given by an authorized person:
  - (a) to stop the vehicle; and
  - (b) to facilitate the inspection or testing of the vehicle.
- (2) Failure to comply with a direction given under subsection (1) is an offence.
- (3) When a vehicle has stopped in compliance with a direction given under subsection (1), the authorized person may:
  - (a) inspect and test the vehicle at the roadside, in which case inspection and testing must be carried out:
    - (i) at or as near as practicable to the place where the direction to stop the vehicle is given; and
    - (ii) as soon as practicable, and in any case within one hour, after the vehicle is stopped in accordance with the direction; or
  - (b) conduct a visual inspection of the vehicle and, if the authorized person reasonably believes that an offence has been committed under section 130(2), instruct the driver of the vehicle, who is presumed to be the owner of the vehicle unless he or she produces evidence to the contrary, in writing to take the vehicle to a testing station, within a specified period of time, for inspection and testing in accordance with section 132.

## 132. Testing procedure-

- (1) An authorized person must use the free acceleration test method in order to determine whether a compressed ignition powered vehicle is being driven or used in contravention of section 130(1).
- (2) The following procedure must be adhered to in order to conduct a free acceleration test:
  - (a) when instructed to do so by the authorized person, the driver must start the vehicle, place it in neutral gear and engage the clutch;
  - (b) while the vehicle is idling; the authorized person must conduct a visual inspection of the emission system of the vehicle;
  - (c) when instructed to do so by the authorized person, the driver of the vehicle must in less than one second smoothly and completely depress the accelerator throttle pedal of the vehicle, provided that the authorized person may do so himself or herself if the driver fails or refuses to comply with the authorized person's reasonable instructions;
  - (d) while the throttle pedal is depressed, the authorized person must measure the smoke emitted from the vehicle's emission system in order to determine whether or not it is dark smoke;
  - (e) the driver of the vehicle may only release the throttle pedal of the vehicle when the engine reaches cut-off speed, or when directed to do so by the authorized person.
- (3) If, having conducted the free acceleration test, the authorized person is satisfied that the vehicle:
  - (a) is not emitting dark smoke, then the authorized person must furnish the driver of the vehicle with a certificate indicating that the vehicle is not being driven or used in contravention of section 130(1); or
  - (b) is emitting dark smoke, then the authorized person must issue the driver of the vehicle with a repair notice in accordance with section 133.

## 133. Repair notice-

- (1) A repair notice must direct the owner of the vehicle to repair the vehicle within a specified period of time, and to take the vehicle to a place identified in the notice for re-testing before the expiry of that period.
- (2) The repair notice must contain inter alia the following information:
  - (a) the make, model and registration number of the vehicle;
  - (b) the name, address and identity number of the driver of the vehicle; and
  - (c) if the driver is not the owner, the name and address of the vehicle owner.
- (3) A person commits an offence under this Section if that person fails:
  - (a) to comply with the notice referred to in subsection (1)
  - (b) the re-test referred to in subsection (1).
- (4) It shall not be a defect in proceedings under subsection (3) to aver that the driver of the vehicle failed to bring the repair notice to the attention of the owner of that vehicle.

## PART VII

## EMISSIONS THAT CAUSE A NUISANCE

## 134. Prohibition-

Any occupier or owner of premises from which a nuisance emanates, or where a nuisance exists, is guilty of an offence.

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## 135. Abatement notice-

- (1) Council or an authorized person may serve abatement notice on any person whom the authorized person reasonably believes is likely to commit or has committed an offence under section 134, calling upon that person:
  - (a) to abate the nuisance within a period specified in the notice;
  - (b) to take all necessary steps to prevent a recurrence of the nuisance; and
  - (c) to comply with any other conditions contained in the notice.
- (2) For the purposes of subsection (1), an authorized person may form a reasonable belief based on his or her own experience that an air pollutant was emitted from premises occupied or owned by the person on whom the abatement notice is to be served.
- (3) An abatement notice under subsection (1) may be served:
  - (a) upon the owner of any premises, by:
    - (i) delivering it to the owner or if the owner cannot be traced or is living abroad that person's agent;
    - (ii) transmitting it by registered post to the owner's last known address, or the last known address of the agent; or
    - (iii) delivering it to the address where the premises are situated, if the owner's address and the address of the agent are unknown;
  - (b) upon the occupier of the premises, by:
    - (i) delivering it to the occupier;
    - (ii) transmitting it by registered post to the occupier at the address at which the premises are situated.
- (4) Any person who fails to comply with an abatement notice served on that person in terms of subsection (1) is guilty of an offence.
- (5) In addition to any other penalty that may be imposed, a court may order a person convicted of an offence under subsection (4) to take steps the court considers necessary within a period determined by the court in order to prevent a recurrence of the nuisance.

## 136. Steps to abate nuisance-

At any time, the Council may at its own cost take whatever steps it considers necessary in order to remedy the harm caused by the nuisance and prevent a recurrence of it, and may recover the reasonable costs so incurred from the person responsible for causing the nuisance.

## PART VIII

## 137. APPEALS-

- (1) Any person may appeal against a decision taken by Council or an authorized person under this by-law by giving written notice of the appeal, in which the reasons for the appeal are stated, to the municipal manager within 30 days of the date on which that person receives notification of the decision.
- (2) Pending confirmation, variation or revocation of the decision in terms of subsection (4), any person appealing a decision in terms of subsection (1), unless the Council provides otherwise:
  - (a) must nonetheless substantively comply with any obligations that may have been imposed as a result of the decision that is the subject of the appeal; and
  - (b) may not exercise any rights that may have accrued as a result of the decision that is the subject of the appeal application, provided that no other person may exercise any right that may accrue either.
- (3) Within 14 days of receipt of the notice of appeal, the municipal manager must:
  - (a) submit the appeal to the appropriate appeal authority mentioned in subsection (5);
  - (b) take all reasonable measures to ensure that all persons whose rights may be significantly detrimentally affected by the granting of the appeal application, including any persons registered as interested and affected parties, are notified in writing of the appeal application and advised of their right to:
    - (i) obtain a copy of the appeal application;
    - (ii) submit written objections to the application to the municipal manager within 30 days of date of notification
- (4) After the expiry of the 30 day period referred to in subsection (3)(b)(ii), the appeal authority must consider the appeal and any objections raised to it, and confirm, vary or revoke the decision.
- (5) When the appeal is against a decision taken by -
  - (a) an authorized person other than the city manager, then the city manager is the appeal authority; or
  - (b) the city manager, then the Council or such committee as it may delegate is the appeal authority.
- (6) An appeal authority must commence with an appeal within 60 days of receiving
- (7) notification and must decide the appeal within a reasonable period.

## PART IX

## 138. GENERAL PROVISIONS-

- (1) In the event of a conflict within any other by-law which directly or indirectly regulates air pollution, the provisions of this by-law shall prevail.
- (2) In the event of a conflict with the National Environment Management Air Quality Act, 2004 (Act 39 of 2004) the provisions of that Act will prevail within the area of jurisdiction of the Council.

## 139. Offences and penalties-

- (1) Any person who contravenes section 121 (3), 128(2), 129(3), 130(2) or 134 of this by-law shall be liable of conviction to imprisonment not exceeding 30 days or to a fine or both a fine and imprisonment.
-

- (2) Any person who contravenes section 122(3), 123(2), 133(3)(a), 133(3)(b) or 135(4) of this by-law shall be liable of conviction to imprisonment not exceeding two (2) years or a fine or both a fine and imprisonment.
- (3) Any person who contravenes section 134 of this by-law shall be liable on conviction to imprisonment not exceeding one (1) year or a fine or both a fine and imprisonment.
- (4) It is an offence to:
- supply false information to Council or an authorized person in respect of any issue pertaining to this by-law, or;
  - refuse to co-operate with the request of an Council or an authorized person made in terms of this by-law and any person convicted of such offence shall be liable to imprisonment not exceeding 30 days or a fine or both a fine and imprisonment.
- (5) Where no specific penalty is provided, any person committing an offence in terms of this by-law is liable on conviction to imprisonment for a period not exceeding one (1) year or to a fine or to both imprisonment and a fine.
- (6) Failure to comply with a notice, direction or instruction referred to in this by-law constitutes a continuing offence.
- (7) Any person who commits a continuing offences shall be guilty of a separate offence for each day during which that person fails to comply with a notice, direction or instruction referred to in this by-law.
- (8) In addition to imposing a fine and/or imprisonment, a court may order any person convicted of an offence under this by-law:
- to remedy the harm caused;
  - to pay damages for harm caused to another person or property, which order shall have the force and effect of a civil judgment; and
  - to install and operate at the person's own expense obscuration reading equipment.
140. Exemptions-
- (1) The Council may grant a temporary exemption in writing from one or all of the provisions of Part III, IV and V, provided that the Council:
- is satisfied that granting the exemption will not significantly prejudice the purpose referred to in section 121(1); and
  - grants any exemption subject to conditions that promote the attainment of the purpose referred to in section 121(1).
- (2) The Council may not grant an exemption under subsection (1) until the Council has:
- taken reasonable measures to ensure that all persons whose rights may be significantly detrimentally effected by the granting of the exemption, including but not limited to adjacent land owners or occupiers, are aware of the application for exemption and how to obtain a copy of it;
  - provide such person with a reasonable opportunity to object to the application; and
  - duly considered and taken into account any objections raised.

## CHAPTER 17

### HEALTH CARE WASTE

141. Definitions: In this Chapter, unless the context otherwise indicates -
- “generator”** means any person or institution which generates health care waste;
- “genotoxic waste”** means highly toxic waste that may have mutagenic, teratogenic or carcinogenic properties and includes certain cytostatic drugs as well as vomit, urine or faeces from patients treated with cytostatic drugs, chemicals and radioactive material;
- “hazardous waste”** means waste that has the potential, even in low concentrations, to have a significant adverse effect on public health and the environment because of its inherent toxicological, chemical and physical characteristics.
- “health care general waste”** means that portion of health care waste which is not hazardous
- “health care risk waste”**; means that portion of health care waste which is hazardous and includes infections waste, pathological waste, genotoxic waste, chemical waste, waste containing heavy metals, radioactive waste, and any other waste which is considered hazardous in terms of the Waste Management Series: Document 1: Minimum Requirements for the handling, classification and disposal of Hazardous Waste, 2nd Edition as published by the Department of Water Affairs and Forestry.
- “waste containing heavy metals”** means waste which includes , but is not limited to, mercury waste from thermometers, blood pressure gauges, residues from dentistry, cadmium from batteries, reinforced wood panels used in radiation proofing and drugs containing arsenic;
142. Separation at source and marking-
- (1) Health care waste generators, transporters, treaters and disposers have a general duty of care in terms of these By-laws and any other relevant provincial and national legislation, to separate all health care risk waste at source and to handle, package, store and dispose of health care risk waste in a safe manner that poses no threat to human health or to the environment.
- (2) Without limiting the generality of the duty in subsection (1), generators must:
- ensure that the generation of health care risk waste is minimized as far as possible at source;
  - separate health care waste into health care risk waste and health care general waste at the point at which it is generated;
  - store health care risk waste in purpose-manufactured, leak-proof, sealable containers and must ensure that such containers used to store sharps, razors, blades, needles and any other instrument which can cause cuts, punctures or injections, are rigid and puncture-resistant;
  - ensure that the radioactive waste for which he/she is responsible, is treated in accordance with the Hazardous Substances Act, 1973, (Act No. 15 of 1973);
  - ensure that all the employees in their employ are adequately trained in the identification, separation, handling, storing of health care risk waste;
-

- (f) take appropriate steps to ensure the health and safety of all the employees in their employ in terms of the Occupational Health & Safety Act;
  - (g) label all health care risk waste containers clearly in large, legible lettering with indelible ink with the following information:
    - i. the name, address and contact telephone number of the generator
    - ii. the words: DANGER – HEALTH CARE RISK WASTE; GEVAAR GESONDHEIDSAFVAL; and INGOZI: INKUNKUMA YEZAMAYEZA and the international bio-hazard logo; and
    - iii. the date on which the health care risk waste is removed from the premises of the generator.
  - (h) prevent public access to health care risk waste containers which are in use;
  - (i) store filled health care risk waste containers in controlled, secure areas which are reserved for the storage of health care risk waste;
  - (j) make arrangements for the removal of health care risk waste from their premises and for the transportation of health care risk waste by a person who is registered in terms of section 145 of these By-laws as a transporter of health care risk waste;
  - (k) make arrangements for the disposal of the health care risk waste by a person/institution permitted to dispose of health care risk waste in terms of these By-laws or any other applicable legislation
- (3) Generators may apply to Council for permission to handle, store and otherwise deal with health care risk waste in a manner which does not comply with the requirements as set out in subsection (2) above.
- (4) The Council may in writing grant the permission referred to in subsection (3) subject to certain conditions.
- (5) Generators may transport and dispose of health care risk waste generated on their premises, provided they do so in terms of this By-law;
- (6) Generators must:
- (a) Maintain an up-to-date written record of all health care risk waste generated and removed from their premises in a format from time to time prescribed by Council;
  - (b) Obtain written notification from the disposer of the health care risk waste that the health care risk waste has been disposed of and upon receiving such notification, indicate in their written records that the health care risk waste has been disposed of by mentioning the name of the disposer and the date of disposal;
  - (c) Provide copies of the record referred to in (i) and the information in (ii) to Council on a six-monthly basis or at any other frequency as may from time to time be prescribed by Council.

#### 143. Duty of transporters

- (1) Transporters must remove health care risk waste from the premises of the generator, transport, store and deliver such health care risk waste to a site at which it will be disposed of in manner which poses no threat to human health or the environment.
- (2) Without limiting the generality of the duty referred to in subsection (1), transporters must apply for a permit to be registered with the Council and must:
  - (a) not remove the health care risk waste from the containers in which the generator placed it;
  - (b) transport and store the health care risk waste in such way that no member of the public can gain access to the health care risk waste or the containers in which it is stored;
  - (c) transport the health care risk waste in vehicles which:
    - i. comply with all applicable legislation as from time to time promulgated by National government or the Provincial Government of Free State or in the absence of such legislation,
    - ii. are capable of containing the health care risk waste;
    - iii. are designed to prevent spillage;
    - iv. are constructed of materials which are easy to clean and to disinfect;
    - v. are capable of being secured in order to prevent unauthorised access
  - (d) deliver health care risk waste only to a person and site permitted to dispose of health care risk waste in terms of section 144
- (3) Transporters may apply to Council for permission to remove, transport, store and deliver health care risk waste in a manner which does not comply with the requirements as set out in subsection (2) above
- (4) The Council may in writing grant the permission referred to in subsection (3) subject to certain conditions.
- (5) Transporters may dispose of health care risk waste provided they do so in terms of these By-laws
- (6) Transporters must maintain a written record in respect of each collection and delivery of health care risk waste, which they must update simultaneously with each collection and delivery. The record must be in the format as prescribed from time to time by Council and must be kept for a period of three years from date on which the health care risk waste is delivered to the disposal site. Transporters must keep a copy of the said record in the vehicle used for the transportation of the health care risk waste.

#### 144. Disposal of Health Care Risk Waste-

- (1) Health care risk waste may only be disposed of by a person –
    - (a) Who holds a permit to operate a hazardous waste site in terms of section 20 of the Environmental Conservation Act, 73 of 1989,
    - (b) Who complies to all the terms and conditions attached to such a permit.
  - (2) A person permitted in terms of subsection (1) to dispose of health care risk waste must do so at the site at which the permit permits him or her to dispose of health care risk waste and may not dispose of health care risk waste at any other place.
  - (3) Persons who dispose of health care risk waste must:
    - (a) maintain an up to date written record as required in terms of the National Waste Information System and any additional information as may from time to time be required by the Council of all health care risk waste received and disposed of at the site;
-

- (b) keep such records for a period of three years or for a such period as may be prescribed in terms of the guidelines provided for compliance to the National Waste Information System, whichever the shortest.

145. Duty to register

- (1) Every generator must register with the Council within 6 months of the coming into effect of these By-laws by completing and submitting a written notification to Council in the format prescribed from time to time.
- (2) Every transporter must register with the Council within 6 months of the coming into effect of these By-laws by completing and submitting a written notification to the Council in the format prescribed from time to time.
- (3) Generators and transporters must notify the Council of any changes to the information provided in terms of subsection (1) and (2) as soon as such changes take place.

146. Powers of Environmental Health Practitioner-

- (1) Any environmental health practitioner in the employ of the Council may:
- (a) Enter sites and premises on which health care waste is being generated, handled, treated, stored or disposed of, or on which he or she suspects health care waste is being generated, handled, stored or disposed of,
- (b) Gain access to vehicles on which health care waste is being contained or transported, or on which he or she suspects health care waste is being contained or transported.
- (2) Where an environmental health practitioner enters premises or a site or gain access to a vehicle in terms of subsection (1), he or she may, for the purposes of administering these By-laws, undertake any inspection or enquiry, including but not limited to:
- (a) inspecting the premises, site or vehicle for the presence of health care risk waste;
- (b) inspecting the manner in which health care risk waste is being, handled, stored, transported, treated or disposed of;
- (c) requesting information regarding the health care risk waste from the person who is in charge of the health care risk waste or from the person in charge of the health care risk waste or from the person in charge of the premises, site or vehicle;
- (d) examine, extract or make copies of any health care risk waste records and request an explanation from the person in charge of the record ,or from the person in charge of the site, premises or vehicle.

147. Offences-

Any person who contravenes any provision of the chapter or fails to comply with any notice given in relation hereto in terms of these By-laws, commits an offense.

## CHAPTER 18

### MISCELLANEOUS

148. Duties of Council- In addition to any other duty of Council in terms of this By-law or any other applicable legislation, the Council must within its area of jurisdiction:

- (a) enforce the relevant portions of this By-law;
- (b) carry out water quality monitoring at all potable, industrial and commercial water sources ;
- (c) perform food control inspections, enquiries, monitoring and observation;
- (d) monitor waste management;
- (e) undertake health surveillance of properties;
- (f) undertake surveillance and prevention of communicable diseases, excluding immunizations;
- (g) undertake effective vector control measures;
- (h) prevent environmental pollution;
- (i) monitor activities related to the disposal of the dead, and
- (j) ensure chemical safety,

149. Offences and penalties-

- (1) Any person who –
- (a) contravenes or fails to comply with any provisions of these By-laws;
- (b) fails to comply with any notice issued in terms of or for the purposes of these By-laws; or
- (c) fails to comply with any lawful instruction given in terms of or for the purposes of these By-laws; or
- (d) obstructs or hinders any authorized representative or employee of the Council in the execution of his or her duties under these By-laws, is guilty of an offence and subject to subsection (2) below, liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Council and served on the person concerned requiring the discontinuance of such offence.
- (2) Any person convicted of a contravention of the provisions of Chapter 19 is liable to a fine of an amount not exceeding R10,000 or imprisonment for a period not exceeding 1 year and in case of a continuing offence, to a further fine not exceeding R100 per day, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Council and served on the person concerned requiring the discontinuance of such offence.

150. Serving of notices-
- (1) A notice, order or other document is regarded as having been properly served if -
- it has been delivered to the person concerned personally;
  - it has been sent by registered post or speed post to the person to whom it is addressed at his or her last known address;
  - it is served on a person apparently not less than 16 years of age and apparently in charge of the premises at the addressee's last known address;
  - if the address of the person concerned in the Republic of South Africa is unknown, if it has been served on that person's agent or representative in the Republic of South Africa in the manner provided for in paragraph (a),(b) or (c); or
  - if the address of the person concerned and of his or her agent or representative in the Republic of South Africa is unknown, if it has been posted in a conspicuous place on the premises to which it relates.
- (2) A notice, order or other document which may in terms of these By-laws be served on the owner or occupier of premises may be addressed to the owner or occupier of the specified premises and need not bear the name of the owner or occupier.
151. Application to the State-  
These By-laws bind the State, including the Council.
152. Repeal and Amendment-  
The By-laws listed in Schedule 3 are hereby repealed.
- Any by-laws relating to environmental health services adopted by the Council or any municipality now comprising part of the City are repealed from the date of promulgation of these by-laws
- The by-laws relating to Environmental Health Services By-laws as promulgated in the Local Government Notice No. 60 of October 2013, are hereby amended.
153. Short title and Commencement-  
These By-laws are called the **Mangaung, Environmental Health Services By-laws** and the amendments effected come into operation on the date promulgation in the Provincial Gazette.

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## SCHEDULE 1

### PUBLIC HEALTH NUISANCES

1. General Nuisances- An owner or occupier of premises creates a public health nuisance if he or she causes or allows -
- any premises or part thereof to be of such a construction or in such a state as to be offensive, injurious or dangerous to health;
  - any street, stream, pool, lagoon, ditch, gutter, watercourse, sink, cistern, water-closet, earth closet, pail closet, urinal, cesspool, cesspit, drain, sewer, dung pit, slop tank, ash heap or dung heap to be so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to health;
  - any stable, kraal, shed, run or premises used for the keeping of animals or birds and which is so constructed, situated, used or kept as to be offensive or to be injurious or dangerous to health;
  - any accumulation of refuse, offal, manure or other matter which is offensive or is injurious or dangerous to health;
  - any public building to be so situated, constructed, used or kept as to be unsafe or to be injurious or dangerous to health;
  - any dwelling to be occupied without proper and sufficient supply of potable water within a reasonable distance;
  - any factory or industrial or business premises not to be kept in a clean state and free from offensive smells arising from any drain, water closet, earth-closet, urinal or any other source, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gas, vapour, dust or other impurity generated, or so overcrowded or so badly lighted or ventilated, as to be injurious or dangerous to the health of those employed therein or thereon;
  - any factory or industrial or business premises to cause or give rise to any smell or effluvia which is offensive or injurious or dangerous to health;
  - any building, room or structure to be used wholly or partly by a greater number of persons than will allow less than 11,3 m<sup>3</sup> of free air space and 3,7 m<sup>2</sup> of floor space for each person aged 10 years or more and 5,7 m<sup>3</sup> of free air space and 1,9 m<sup>2</sup> of floor space for each person less than 10 years of age; or
  - the accumulation of filth, debris rubbish, glass, paper, rags, tins, lumber and the growing or presence of weeds, long grass or undergrowth which is unsightly or is likely to become a nuisance or injurious to health or to cause an annoyance to the inhabitants of the neighbourhood;
  - any other activity, condition or thing declared to be a nuisance by the Minister in terms of the National Health Act, 2003 (Act 61 of 2003) or any other relevant health legislation.
  - Any other condition at or on a place or premises whatever, which in the opinion of Council is or can be detrimental, dangerous, inconvenient, offensive, injurious or dangerous to health; or which may in any other way cause a risk of disease, death or injuries.
-

2. Pest control-
  - (1) An owner or occupier of premises creates a public health nuisance if –
    - (a) the premises are maintained in a manner that attracts or harbours rodents or other pests, or is conducive to the breeding thereof;
    - (b) flies are being attracted to, or can breed on, the premises, in significant numbers because
      - (i) insufficiently rotted manure or any other organic material is being kept or used; or
      - (ii) any other substance that attracts flies is used or kept other than for the purposes of trapping or killing flies;
  - (2) The following measures are approved measures for the purposes of subsection (1)(c)(iv) –
    - (a) draining accumulated water at least once every seven days;
    - (b) covering accumulated water with a larvicide's at least once every seven days; and
    - (c) in the case of wells, providing a mosquito-proof cover and a pump.
  
3. Air pollution- An owner or occupier of premises creates a public health nuisance if–
  - (a) any waste on the premises is burned outside except in an approved appliance;
  - (b) ash, grit, soot, smoke or any type of air is emitted from any chimney or appliance or from any other means on the premises in a manner or quantity that is, in the opinion of Council, sufficient to have an adverse impact on public health, or that may cause a nuisance;
  - (c) the erection or destruction of a building or structure causes dust to be discharged into the surrounding atmosphere in a manner or quantity that is, in the opinion of Council, sufficient to have an adverse impact on public health; or
  - (d) Any dust is generated on, and emitted from the premises due to any activity or process and discharged into the surrounding atmosphere in a manner or quantity that is, in the opinion of Council, sufficient to have an adverse impact on public health.
  
4. Fouling and littering of public places and open spaces.
  - (1) A person creates a public health nuisance if he or she throws, dumps, stores, keeps or drops refuse, rubbish, glass, tins, paper, car wrecks or parts of motor vehicles, dead animals, waste water or flushing water or other litter or waste, whether liquid or solid, on or in a street, road, bridge, thoroughfare, open space, vacant stand, public place or erf, spruit or watercourse, or cause or permit it to be thrown, dumped or dropped there, or cause or permit any such liquid to flow into such a place.
  - (2) The person who has contravened sub item (1), must remedy, to the satisfaction of the environmental health practitioner, any damage to the environment which resulted from such contravention.

**SCHEDULE 2**

**SCHEDULED USES**

The activities and uses of premises listed in this Schedule are considered to pose an unacceptable risk to public health unless the measures specified in the relevant Chapter of these By-laws and where required, in a permit or registration, are taken to avoid the risk or to reduce it to a level acceptable to the Council.

**Part A: Activities for which a permit / registration is required**

Chapter	Section	Activity
2	6	Camping
5	31	Provision of service to remove human excrement or urine
5	32	Installation of sewage works
7	46	Offensive trades
8	53	Hairdressing, Beauty and cosmetology services
10	62	Accommodation Establishments
12	80	Keeping of poultry
12	84	Keeping of rabbits
12	89	Dog Kennels and catteries
12	100	Keeping bees
15	111	Laundry
16	122	Air pollution (Equipment)
16	129	Air pollution (Open burning of material)
17	143	HCRW Generator and Transporter

**Part B: Scheduled uses**

Chapter	Scheduled use
4	Sanitary services
5	Private Sewage Works



6	Water
7	Offensive Trades
8	Hairdressing, Beauty and Cosmetology Services
9	Second-hand Goods
10	Accommodation Establishments
11	Swimming Pools and Spa-Baths
12	Keeping of Animals
15	Laundry Establishments
16	Air pollution

**SCHEDULE 3**

Name	Number
Public Health By laws and Sanitary Regulations	AN No 13 of 1936
Regulations relating to Pet Shops and Pet Salons	AN No 5 of 1989
Regulations for the Control of Barbers, Hairdressers and Beauty Saloons	AN No. 137 of 1984
Regulations relating to Noxious or Offensive Trades	AN No 82 of 1992
By laws relating to Laundries	LGN No 111 of 28 October 2005

[PROVINCIAL NOTICE NO. 48 OF 2019]

**MANGAUNG METROPOLITAN MUNICIPALITY**

**PROMULGATION NOTICE**

**Keeping of Animals, Poultry and Bees By-law**

Passed by Council on Tuesday, 05 March 2019  
Under Item 18.1 – 5/03/2019

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the revised set of Keeping of Animals, Poultry and Bees By-laws, at the sitting dated 05 March 2019.
- 2) The reviewed Keeping of Animals, Poultry and Bees By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

**Adv. Tankiso Mea**  
**City Manager**

**BY-LAWS RELATING TO KEEPING OF ANIMALS, POULTRY AND BEES**

**CHAPTER 1**  
**INTERPRETATION, PURPOSE AND SCOPE**

**1. Definitions**

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

“**Act**” refers to Animals Protection Act, 1962 (Act No. 71 of 1962);

“**Animal**” means horse, pony, mule, donkey, cattle, pig, sheep, goat, camel, reptile, dog, cat or other domestic animal, indigenous animal and other wild or exotic animal;

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- “Authorised Official”** means an officer authorised in terms of the Animals Protection Act, 1962 (Act No. 71 of 1962) and any official of the Municipality who has been authorised by the Municipality to enforce the provisions of this By-Law;
- Breeder** means a person who owns or keeps animals for the purpose of or with the intention of breeding from them;
- “Council”** means the Council of the Mangaung Metropolitan Municipality or any political structure, political office bearer, councillor or any staff member acting under council’s delegated or sub-delegated power;
- “Dwelling house”** means a single building designed for use as a residence for a single family situated on premises containing not more than two such buildings;
- “Dwelling unit”** means an inter-connected suite of rooms including a kitchen or scullery designed for occupation by a single family, other than a dwelling house, irrespective of whether such unit is a single building or forms part of a building containing two or more such units;
- “Feral animal”** means an animal existing in a wild, untamed state;
- “Nuisance”** means any activity, condition, premises or thing which, on account of effluent, vapours, chemical effluvia, odours, noise, vibration, radiation, refuse, waste products, dirt, chemical or biochemical material, microbial infection, vermin, vegetation, overcrowding, lack of proper general hygiene, ventilation, lighting, design, situation or on account of any other cause or practise whatsoever, is / are potentially injurious or dangerous to health or which is /are offensive, including, without affecting the generality of the afore-going, any facility for the storage, distribution or handling of water that is likely to be used by man for domestic purposes or consumption, including such water itself, which is contaminated or polluted;
- “Large dwelling house”** means a dwelling house on an erf of more than six hundred square metres;
- “Municipality”** means Mangaung Metropolitan Municipality established by the Provincial Notice №. 155 of 2016 as published in the Provincial Gazette, Free State Province of 22 July 2016, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
- “Owner”** means every person who
- a) owns the animal;
  - b) is the parent or guardian of a person under the age of 17 years who;
    - i) is the owner under point (a) of this definition; and
    - ii) is a member of the parent or guardian’s household living with and dependant on the parent or guardian
  - c) gives substance, harbours, shelters or protects the animal; or
  - d) is the registered owner of the land that the animal is kept on; and
- in relation to a dog, cat or working equine, **“owner”** includes any person having the possession, charge, custody or control of that dog, cat or working equine;
- “Permit”** means the written permission granted by the Council or Municipality in terms of this Bylaw;
- “Person”** means any natural and/or juristic person;
- “Pet”** means any domesticated or other animal which may be lawfully kept as a pet and includes any bird and non-poisonous reptile;
- “Pet salon”** means any premises in or upon which beauty treatment is given to dogs or cats by washing, drying, brushing, clipping, trimming or by attending to their nails or teeth;
- “Pet shop”** means the business of keeping and selling pets on premises;
- “Poultry”** includes any domesticated or farmed bird including but not limited to, chickens, ducks, geese, turkeys, swans, peafowl, pigeons, parrots, turkey, doves and all other types of domestic or fancy birds.
- “Pound”** means a place designated by the Municipality in terms of any law for the impounding, sale and destruction of animals and includes the premises of the any animal welfare organisations recognised by the Council;
- “Pound master”** means a person who has been appointed by the Municipality to be in charge of a pound;
- “Premises”** means any building, tent or any other structure, together with the land on which the same is situated and the adjoining land used in connection therewith and any land without buildings or tents, and includes any vehicle, conveyance, ship or boat;
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“**Public place**” and “**Public street**” means public place and public street as defined in other By-laws of the Municipality

“**Semi-domesticated animal**” means an animal that lives around human habitation and has their needs partly or indirectly supplied by human activities (including obtaining food from human carers).

“**Sentience**” is the ability to feel, perceive or experience subjectively and the recognition of an emotional dimension. The concept is central to the philosophy of animal freedoms because sentience is necessary for the ability to suffer;

“**Structure**” means any stable, shed, pigsty, kraal, aviary, paddock, covering structure, poultry house, enclosure, run, loft or building, used for the keeping, housing or enclosing of animals and poultry;

“**Unreasonable Noise**” relates to noise under human control that unreasonably interferes with the peace, comfort or convenience of persons;

“**Working equine**” means a horse, donkey, mule or ass that is fit for pulling an animal drawn vehicle used for financial gain.

## 2. Purpose of Bylaw

2.1 The purpose of this By-law is to:

- a) protect public from different types of nuisance, danger and outbreak of diseases;
- b) curbing over-population of animals by regulating places, numbers and kinds of animals that may be kept;
- c) provide for a system to regulate the keeping of poultry and bees;
- d) protect animals from cruelty

within the area of jurisdiction of the Municipality, and to provide for matters incidental thereto.

## 3. Scope of Application

3.1 This Bylaw is applicable to anyone who is keeping animals, poultry and bees or such are under his/her control within the area of jurisdiction of the Municipality.

3.2 The provisions of this By-law do not apply to –

- (a) any bona fide farm;
- (b) the keeping of cows for commercial milk production;
- (c) any agricultural show where animals, poultry or birds are kept on a temporary basis;
- (d) any laboratory where animals, poultry or birds are kept for research purposes;
- (e) the temporary keeping of goat(s) on any land for the provision of milk for medical reasons; provided that the Authorised Official may, if he or she is satisfied that the application of one or more provisions of this By-law is essential in the interest of public health and safety, by notice to the person concerned, require such provision to be complied with.

## 4. Animal Sentience

4.1 Within the area of jurisdiction of the Municipality, non-human animals are accepted as sentience beings, able to feel the same pain and emotions as humans.

4.2 Within the area of jurisdiction of the Municipality non-human animals are afforded the following five universal freedoms:

- a) *Freedom from hunger or thirst* by ready access to fresh water and a diet to maintain full health and vigour;
- b) *Freedom from discomfort* by providing an appropriate environment including shelter and a comfortable resting area;
- c) *Freedom from pain, injury or disease* by prevention or rapid diagnosis and treatment;
- d) *Freedom to express normal behaviour* by providing sufficient space, proper facilities and company of the animal's own kind; and
- e) *Freedom from fear and distress* by ensuring conditions and treatment which avoid mental suffering.

## 5. Requirements for Keeping of Animals, Poultry and Bees

5.1 All animals must be kept in such a way as to comply with the provisions of the Act.

5.2 No person shall keep or harbour any animal so as to be, or be likely to be injurious to health or a nuisance to others.

- 5.3 No person shall stack or store any offensive matter within 50 metres from any dwelling, or wholly or partly occupied building, street, public place, or the boundary of any occupied adjoining property; in such a way whatsoever as to be or likely to become a nuisance, dangerous to health, or offensive.
- 5.4 No person shall convey any material or substance emitting an offensive smell, along any street or public place, or store any such material or substance on any property unless it is contained in impervious receptacles with close-fitting covers sufficient to prevent the escape of effluvia, or prevent access of insect or vermin pests.
- 5.5 No person shall keep any poultry or animal, which causes unreasonable noise to residents in the neighbourhood, as determined by an Authorised Officer.
- 5.6 No person shall establish or maintain any veterinary clinic, hospital, boarding, or breeding kennel for dogs or any other animal, except on a site approved by the Council by resolution and subject to such conditions as may be prescribed by the Council.
- 5.7 No person shall provide sustenance, harbourage or comfort to feral or semi domesticated animals so as to cause them to become a nuisance to other persons.
- 5.8 Where feral or semi domesticated animal(s) cause a nuisance, the owner of the property from which such animals emanate shall be required to abate the nuisance caused by the animal(s). Actions may include but are not limited to:
- claiming the animal(s) as a domestic owned pet and keep it in such a state as to abate any nuisance;
  - permanently removing it so it no longer causes a nuisance to others; or
  - the Municipality removing feral or semi-domesticated animals causing a nuisance, and claim costs from the owner or person giving sustenance, harbourage or comfort.
- 5.9 Breeding of animals is considered under this Bylaw to be a commercial activity and if, in the opinion of an Authorised Officer, any breeding facility creates a nuisance by the keeping of animals, the Municipality may, by written notice to the breeder, owner or occupier, require the breeder, owner or occupier to abate the nuisance.
- 5.10 Every animal house shall be constructed in accordance with, inter alia, the following conditions:
- The roof of the facility shall be watertight.
  - The walls of the facility shall be constructed to prevent the accumulation of filth and the surface can be easily cleaned.
  - The floor of the facility shall be of concrete or other approved impervious material finished to a smooth even surface.
  - The facility shall be adequately graded and drained and shall be kept at all times clean and dry and in good repair.
- 5.11 No person may terrify or cause stress or fear to any animal with fireworks or by any other means.
- 5.12 No person must hawk any other animal.
- 5.13 Although some provisions in this By-law apply to certain type of animal, such provisions also apply to other types of animals, poultry and bees so as to ensure that the objectives of provisions of chapter 1, 8, 9 and 10 are achieved and complied with.

## **CHAPTER 2 KEEPING OF DOGS**

### **6. Prohibitions against Keeping of Dogs**

- 6.1 No person shall –
- permit any bitch on heat owned or kept by him or her to be in any public street or public place.
  - urge any dog to attack, worry or frighten any person or animal or through negligence fail to prevent any dog from attacking, worrying or frightening any person or animal, except where necessary for the defence of such first-mentioned person or his or her property or of any other person;
  - keep any dog which causes damage to public property;
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- (d) keep any dog the faeces of which he or she fails to remove regularly and dispose of suitably;
- (e) keep any dog which barks, yelps, howls or whines for more than six accumulated minutes in an hour or more than three accumulated minutes in an half hour;
- (f) keep any dog which is starved or under-fed or denied water or adequate shelter;
- (g) keep any dog which causes a nuisance to inhabitants of the neighbourhood by –
  - i. having acquired the habit of charging any vehicle, animals, poultry, pigeons or persons outside any premises where it is kept; or
  - ii. by misbehaving in any other manner;
- (h) permit any dog owned or kept by him or her –
  - i. to be in any public street or public place while suffering from mange or any other infectious or contagious disease and cannot prove that the dog is under treatment by a registered veterinarian and is no longer a public health hazard;
  - ii. which is in the assessment of the authorised official ferocious, vicious or dangerous to be in any public street or public place, unless it is humanely muzzled and held on a leash and under control;
  - iii. to trespass on private property;
  - iv. to constitute a hazard to traffic using any public street;
  - v. to constitute or to his or her knowledge be likely to constitute a source of danger or injury to any person outside the premises on which such dog is kept;
  - vi. to be in any public street or public place except on a leash and under control unless the dog is in an area designated by the Council as a free running area;
- (i) keep any dog which does not have on its collar or micro-chip a name, telephone number and physical address or reference to a society for the prevention of cruelty to animals or registered animal welfare organisation;
- (j) provoke, harass or tease any dog.
- (k) keep a dog that is not up to date with its inoculations.

## **7. Restriction on Number of Dogs**

- 7.1 The Council may determine the number of dogs that may be kept on any premises.
- 7.2 In the absence of a determination made in terms of the provisions of subsection (1) and subject to the provisions of subsections (3) and (4), no person may keep more than –
- (a) two dogs, or allow more than two dogs, over the age of six months, to be kept in or at a dwelling unit;
  - (b) three dogs, or allow more than three dogs, over the age of six months, to be kept in or at a dwelling house;
  - (c) four dogs, or allow more than four dogs, over the age of six months, to be kept in or at a large dwelling house;
  - (d) five dogs, or allow more than five dogs, over the age of six months, to be kept on an agricultural property;
- 7.3 Subsection (2) does not apply to any person who –
- (a) is the holder of a permit issued in terms of section 9 to keep a greater number of dogs;
  - (b) is the holder of a permit to keep kennels;
  - (c) is the owner or manager or is in charge of, a pet shop and who has written proof that all the dogs under the control of such owner or manager have been vaccinated against canine distemper, hepatitis, kennel cough and parvovirus;
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- (d) is the owner or is in charge of premises where guide dogs are being kept or trained; and such guide dogs are kept or trained under the auspices of the SA Guide Dogs Association;
- (e) is the owner or manager of a veterinary clinic; or
- (f) is in charge of dogs owned by the South African Police Service or the South African Defence Force, and are kept for operational purposes;
- (g) operates a pound.

7.4 A person whose permit to keep a dog has been cancelled or who has previously had a dog removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of an animal in his or her care, may not keep a dog, unless the Council determines otherwise.

## **8. Dog Registration and Licensing for Breeders**

- 8.1 The owner of a property where one or more dogs are kept must register the dog or dogs with the Municipality.
- 8.2 Dog registration must take place within four months of the dog's birth or within 30 days of acquiring a dog on property within the Municipality's jurisdictional boundaries.
- 8.3 An annual license fee may be levied by the Council in respect of breeders of dogs and a reduced license fee may apply for sterilized dogs.

## **9. Permits to Keep more Dogs than the Prescribed Number**

- 9.1 Any person who wants to keep a greater number of dogs on premises than the number permitted in terms of section 7.2, must apply to the Municipality for a permit.
- 9.2 An application in terms of subsection (1) must be in writing on a prescribed form. An annual license fee as determined by the Council becomes payable per additional dog kept than the prescribed number.
- 9.3 The Municipality may require the applicant to provide any information which it considers relevant to enable it to make an informed decision.
- 9.4 The Municipality may refuse to consider an application in terms of subsection (1) in respect of which the provisions of subsection (2) have not been complied with or information contemplated in subsection (3), has not been furnished.
- 9.5 The Municipality may only consider an application in terms of subsection (1) after receipt of a written report from an Authorised Official –
  - (a) as to whether the dog(s) for which the permit is required is likely to cause a public health hazard or the keeping of such dog may result in a contravention of section 6;
  - (b) setting out the results of an inspection of the premises on which the dog(s) concerned is being kept or is to be kept; and
  - (c) as to whether the applicant has previously had a dog removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of an animal in his or her care.
- 9.6 The Municipality may refuse an application in terms of subsection (1) or approve it subject to any conditions aimed at reducing the risk of any public health hazard created by the dogs on the premises concerned occurring, continuing or recurring or to reduce such risk to a level acceptable to the Council.
- 9.7 In respect of any application approved in terms of subsection 9.6, an Authorised Official must issue a permit on a prescribed form specifying every condition imposed by the Municipality .
- 9.8 A permit is not transferable from one person to another or from the premises in respect of which it has been issued, to other premises.

## **10. Amendment, Suspension and Cancellation of Permits**

- 10.1 The Municipality may, after consideration of a report and recommendation of an Authorised Official or veterinary surgeon, by written notice to the holder of a permit contemplated in section 9 –
    - (a) amend, suspend or cancel that permit if it is satisfied that failure to do so would result in –
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- (i) the creation or continuation of a public health hazard; or
  - (ii) a continued contravention of any provision of section 6;
- (b) with immediate effect amend, suspend or cancel that permit if
- (i) such official is of the view that it is urgently necessary to do so to eliminate or reduce a significant risk to the public posed by a public health hazard or potential public health hazard; or
  - (ii) there is a criminal case pending against the permit holder or a civil case which the permit holder is a party to, involving an animal in his or her care.

#### **11. Taking Dogs into Custody**

- 11.1 Any person may on premises of which he or she is the owner or occupier, take into custody any dog found trespassing thereon or therein for the purpose of having it impounded.
- 11.2 Notwithstanding the provisions of subsections (1) and (2), no person may take any dog into custody for the purpose of having it impounded if there are reasonable grounds to believe that the dog is a female dog with unweaned young, unless such dog and unweaned young are taken into custody together.
- 11.3 Any person who has taken a dog into custody in terms of this section-
- (a) must ensure that the dog is not ill-treated; and
  - (b) may, when the pound is closed, keep the dog in his or her custody until the pound re-opens.
- 11.4 No person may free any dog which has been taken into custody by an Authorised Official, or is being kept in custody in terms of this section or which has been impounded.

#### **12. Fencing of Premises**

- 12.1 No person shall keep a dog if his or her premises are not properly and adequately fenced to keep such dog inside when it is not on a leash unless the dog is confined to the premises in some other manner, provided that such confinement is not inhumane in the assessment of the authorised official.

#### **13. Rescue of Stray Dogs**

- 13.1 A person who rescues a stray dog shall report the date and time of the rescue and a description of the dog to the Municipality within twenty four hours.

#### **14. Dog not be a Source of Danger**

- 14.1 Any person who keeps a dog on any premises shall keep such dog in such a manner as not to be a source of danger to:
- a) the Municipality's employees entering upon such premises for the purpose of carrying out their duties;
  - b) another person entering the premises, unless the person is a threat to premises or inhabitants thereon; or
  - c) another animal(s).
- 14.2 A notice to the effect that a dog is being kept on such premises shall be displayed in a conspicuous place at each access point to the premises.
- #### **15. Removal of Excrement**
- 15.1 If any dog defecates in any public street, public place or public road, any person in control of such dog, excluding a person assisted by a guide dog, shall forthwith remove the excrement, place it in a plastic or paper bag or wrapper and dispose of it in a receptacle provided for the deposit of litter or refuse, excluding a person who is assisted by a guide dog.
- 15.2 No person shall walk a dog, other than a guide dog, in a public street, public place or public road, without carrying a sufficient number of plastic or paper bags or wrappers, within which to place the excrement of the dog, in the event of the dog defecating.
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**16. Sterilisation of Dogs**

16.1 No person shall keep an unsterilized dog over the age of 6 months unless:

- (a) The person has been granted permission by the Municipality to keep kennels; or
- (b) The person is the owner of a dog registered by any organization recognised by the Council;
- (c) The person has received written permission from Municipality to keep and unsterilized animal.

16.2 An Authorised Official may cause a dog to be sterilized should he or she deem it necessary,

- (a) in the interests of the welfare of the dog;
- (b) to prevent nuisance;
- (a) when the dog is stray;
- (b) on the request of the owner

and the costs thereof may be recovered from the owner.

16.3 The Municipality may issue written permission for an owner to keep an unsterilized dog upon receipt of a written application motivated by a registered veterinarian and such permission may be withdrawn by the Municipality after following due process.

16.4 The owner of a sterilized dog must obtain from a registered veterinarian proof that the dog has been sterilized and must produce such document for inspection to any authorised official on demand.

**17. Designated Public Places as Free-running, On-leash or Off-limits**

17.1 The Municipality may designate public places, with appropriate signage, as one or more of free-running, on-leash or off-limits and the designation may vary according to time of day and season.

**CHAPTER 3  
KEEPING OF PIGS****18. Prohibitions and Requirements for Keeping of Pigs**

18.1 No person shall keep a pig in an urban area except with the approval of the Council by resolution.

18.2 In all other areas within the Municipality(excluding urban areas), no person shall construct or allow any pigsty to remain less than 50 metres from any dwelling, or any wholly or partly occupied building, or any street or public place or any place used for the preparation, storage, or sale of food for human consumption.

18.3 In all other areas within the Municipality, no person shall construct or allow any pigsty to remain less than 50 metres from any boundary of any adjoining property except with the written permission of the Municipality.

18.4 The floor of pigsties shall be graded to a fall of 1 in 25 and to a channel drain.

18.5 The effluent from such channel drains shall be discharged into a catch-pit or settling tank permitted by the Municipality and shall be disposed of in such a manner as to cause no nuisance or contamination of waterways.

18.6 No pig shall roam freely outside the boundary of the premise at which it is kept.

**CHAPTER 4  
KEEPING OF CATS****19. Restriction on Number of Cats**

19.1 The Council may determine the number of cats that may be kept on any premises.

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19.2 In the absence of a determination made in terms of the provisions of subsection (1) and subject to the provisions of subsections (3) and (4), no person may keep more than –

- (a) four cats, or allow more than four cats, over the age of six months to be kept on any premises;
- (b) six cats, or allow more than six cats, to be kept on an agricultural property.

19.3 A person who has previously had a cat removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of an animal in his or her care, may not keep a cat, unless the Council determines otherwise.

19.4 No person shall keep any cat which does not have on its collar or micro-chip a name, telephone number and physical address or reference to a society for the prevention of cruelty to animals or registered animal welfare organisation

19.5 No person shall keep cat that is not up to date with its inoculations.

## **20. Sterilization of Cats**

20.1 No person shall keep a cat over the age of 6 months, other than a sterilized cat, unless

- (a) the person has been granted permission by the Municipality to keep a cattery; or
- (b) the person has received written permission from the Municipality to keep an unsterilized cat.

20.2 An Authorised Official may cause a cat to be sterilized should he or she deem it necessary, or on the request of the owner and the costs thereof may be recovered from the owner.

20.3 The Municipality may issue written permission for an owner to keep an unsterilized cat upon receipt of a written application motivated by a registered veterinarian and such permission may be withdrawn by the Municipality after following due process.

20.4 The owner of a sterilized cat must obtain from a registered veterinarian proof that the cat has been sterilized and must produce such document for inspection to any Authorised Official on demand.

## **21. Cat Registration and Licensing for Breeders**

21.1 The owner of a property where one or more cats are kept must register the cat or cats with the Municipality.

21.2 Cat registration must take place within four months of the cat's birth or within 30 days of acquiring a cat on property within the Municipality's jurisdictional boundaries.

21.3 An annual license fee may be levied by the Council in respect of breeders of cats and a reduced license fee may apply for sterilized cats.

## **CHAPTER 5 KEEPING OF POULTRY**

### **22. Prohibitions and Requirements for Keeping of Poultry**

22.1 No person shall construct or allow any poultry house, poultry run, aviary or coop to remain less than five metres from any dwelling, or any wholly or partly occupied building, or any place used for the preparation, storage, or sale of food for human consumption, except with written permission from the Municipality.

22.2 No person shall construct or allow any poultry house, poultry run, aviary or coop to remain less than five metres from any boundary of any adjoining property except with written permission from the Municipality.

22.3 Except with the written permission of the Municipality not more than 12 head of poultry shall be kept in any poultry house, poultry run, aviary or coop.

22.4 No poultry shall roam freely outside the boundary of the premises at which it is kept.

22.5 Every poultry house, aviary or coop shall be maintained in good repair, in a clean condition and free from any offensive smell or overflow and free from vermin.

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- 22.6 Every poultry house shall be properly constructed, covered with a rainproof roof and be constructed with a concrete floor or other material, adequately graded and drained and permitted by the Municipality.
- 22.7 Nothing in this clause contained shall prevent any person keeping poultry in an auction room or in any premises used for the killing and dressing of poultry for sale for not more than 48 hours for the purpose of sale, or keeping poultry on the premises in an approved type of coop for the purpose of immediate consumption, or from keeping poultry in a bird fancier's shop for the purpose of sale.

## **CHAPTER 6 KEEPING OF BEES**

### **23. Prohibitions and Requirements for Keeping of Bees**

- 23.1 A person must not keep bees unless he or she is the holder of a permit issued by the Municipality in the form and payment of the fee as determined by the Council.
- 23.2 A permit is not transferable and expires on the date on which the permit holder ceases to keep bees or the period for which a permit was issued.
- 23.3 A fee is not payable if the bees are kept in observation beehives for experimental or educational purposes only.
- 23.4 A permit issued under subsection 23.1 is valid up to the first ensuing 30th of June following the date of its issue.
- 23.5 A permit holder may, at least one month before the expiry of the permit, apply in writing to the Municipal Manager for the renewal of the permit.
- 23.6 The Municipal Manager can renew the permit on a form determined by the Municipality if he or she is satisfied that the permit holder complies with section 23.7 and paid the fee as determined in section 23.1.
- 23.7 (a) The Municipal Manager may at any time by notice served on a permit holder rescind the permit if there is convincing evidence, which on request has not been rebutted by the permit holder, that the permit holder does not comply with a provision of section 23(1) or that the keeping of the bees constitute a public nuisance or a threat to human or animal life.
- (b) A permit holder is not on account of the rescission of the permit under paragraph (a) entitled to a refund of any part of the fee paid in terms of section 23.1.
- 23.7 A permit to keep bees is subject to the following conditions –
- (a) that the bees must be kept in a bee-hive made of solid and weatherproof material and built in such a manner that honeycombs may be formed in frames that can be separated and removed from the bee-hive;
- (b) that the bee-hive must be kept at least 100 metres from any residence, business premises or place where animals or birds are kept; and
- (c) that the bee-hive must be surrounded by a wire fence, hedge or wall of at least 1,5 metres high and which is at least 5 metres from any part of the bee-hive.
- 23.8 The Municipality may at any time, after reasonable notice to a permit holder, inspect the premises concerned to ascertain whether the conditions of the permit are complied with.
- 23.9 If a person keeps bees on premises without a permit or contrary to a condition contemplated in section 23.7, the Municipality may serve a notice on the owner or occupant of the premises, to the effect that the bees must within the period stated in the notice be destroyed or removed to premises where they may be kept legally, otherwise they will be destroyed or removed by the Municipality and the costs related thereto will be recovered from such owner or occupant.
- 23.10 If the owner or occupant fails to comply with a notice contemplated in subsection 23.9, the Municipality may destroy or remove the bees and recover the costs related thereto from the owner or occupant concerned.
- 23.11 If the keeping of bees on premises constitutes a threat to human life, the Municipality may, on the authority of a warrant, destroy or remove the bees, without prior notice to the owner or occupant concerned, and recover the costs related thereto from such owner or occupant.
- 23.12 For the purposes of this section the owner or occupant of premises is also deemed to keep bees that have naturally settled on the premises concerned.
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**CHAPTER 7  
WORKING EQUINES****24. Permits to Keep Working Equines**

- 24.1 (a) Any owner who wants to put to work a working equine, must apply to the Municipality for a permit, in respect of such working equine.
- (b) No more than one permit may be issued in respect of a working equine.
- 24.2 An application in terms of subsection (1) must be in writing on a prescribed form and must be accompanied by –
- (a) the prescribed fee;
- (b) documentary evidence that the working equine is suitable to pull an animal drawn vehicle;
- 24.3 The Council may require the applicant to provide any further information which it considers relevant to enable it to make an informed decision.
- 24.4 The Council may refuse to consider an application in terms of subsection (1) in respect of which the provisions of subsection (2) have not been complied with or information contemplated in subsection (3), has not been furnished.
- 24.5 The Council may only consider an application in terms of subsection (1) after receipt of a written report from an Authorised Official –
- (a) as to whether the working equine for which the permit is required is likely to cause a nuisance in a public place or its use may result in a contravention of section 26;
- (b) setting out the results of an inspection of the working equine and its working circumstances; and
- (c) as to whether the applicant has previously had a working equine removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of an animal in his or her care.
- 24.6 The Council may refuse an application in terms of subsection (1) or approve it subject to any conditions aimed at reducing the risk of nuisance in a public place occurring, continuing or recurring or to reduce such risk to a level acceptable to the Council.
- 24.7 A person who has applied for a permit in terms of subsection (1) may not work a working equine pending the outcome of such application, in the absence of a permit.
- 24.8 In respect of any application approved in terms of subsection (6), an Authorised Official must issue a permit on a prescribed form specifying every condition imposed by the Council.
- 24.9 A permit is not transferable from one owner to another.

**25. Amendment, Suspension and Cancellation of Permits**

- 25.1 The Council may, after consideration of a report and recommendation of an Authorised Official or veterinary surgeon, by written notice to the holder of a permit contemplated in section 24 –
- (a) amend, suspend or cancel that permit if it is satisfied that failure to do so would result in –
- (i) the creation or continuation of a nuisance in a public place; or
- (ii) a continued contravention of any provision of section 26;
- (b) with immediate effect amend, suspend or cancel that permit if such official is of the view that it is urgently necessary to do so to eliminate or reduce a significant risk to the public posed by a nuisance in a public place.
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**26. Control of Working Equines**

26.1 No person putting to work a working equine shall –

- (a) permit the working equine to be in any public place whilst being incapable of pulling an animal drawn vehicle;
- (b) permit the working equine to constitute a hazard to traffic using any public street;
- (c) permit the working equine to constitute or to his or her knowledge be likely to constitute a source of danger or injury to any person using a public street;
- (d) permit the working equine to be in any public street or public place except when under his or her control;
- (e) work any working equine which does not have on the name, telephone number and address of its owner.
- (f) Permit any working equine to draw any vehicle, or use any harness which does not comply with the SABS standards and criteria which may be prescribed by Council from time to time.

**CHAPTER 8  
IMPOUNDMENT OF ANIMALS****27. Establishment of Pound**

27.1 The Municipality may, for the purpose of impounding animals, establish a pound in its area of jurisdiction.

27.2 The Municipality may appoint any organisation or company as a service provider within its area of jurisdiction to constitute the duties of a pound master, if the municipal pound is not yet established.

**28. Seizing and Impounding by Authorized Official**

28.1 An authorised official may seize and impound any animal which –

- (a) in his or her opinion is suffering from incurable, infectious or contagious disease or is badly injured;
- (b) in his or her opinion constitutes a hazard to traffic using any public street;
- (c) is at large and apparently without an owner;
- (d) is found in any public place where such an animal is, in the opinion of the authorised official, not under proper control.
- (e) enters any premises while an authorised official is attempting to take it into custody;
- (f) is starved or under-fed or denied water or adequate shelter;
- (g) is ferocious, vicious or dangerous; or
- (h) is being kept in contravention of any provision of this By-law.

**29. Impoundment for Trespassing**

29.1 Any person may impound an animal found abandoned upon any street, road, road reserve or other public place.

29.2 An Authorised Official or a person authorised thereto by the Municipality may, for the purpose of having a cat impounded, take into custody any cat which is being kept in contravention of section 19.

**30. Pound to which Animals are to be Sent**

30.1 Any proprietor upon whose land an animal is found trespassing may send such animal to such pound as is nearest by a passable road or thoroughfare to the land trespassed upon, or such other pound designated by the Municipality.

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**31. Offer by Owner before Impoundment**

31.1 The owner of an animal liable to impoundment may, before the animal is removed from the property trespassed upon, offer to the person complaining of the trespassing a sum of money in compensation of the damage suffered by him, and such offer may be made to the complainant himself or to his servant or agent charged with the duty of taking the animal to the pound.

**32. Receiving of Animals by Pound Master**

32.1 It is the duty of every pound master to receive into his charge, for impoundment, all animals brought to his or her pound, during such hours as the municipality may determine.

32.1 Any pound master who unreasonably refuses or fails to receive animals brought to his pound as aforesaid commits an offence and is, in addition, liable for any damage caused to the owner of the said animals, or to any other person, by reason of such refusal or failure.

**33. Receipt for Impounded Animals**

33.1 A pound master must give the person delivering an animal into his charge a written receipt, indicating the number and description of the animal so delivered, and specifying the trespassing for which the animal, as reported, is to be impounded.

**34. Number of Enclosures**

34.1 A pound master must maintain in good repair and, as far as possible, free from all infection, separate enclosures for –

- (a) ostriches and horses;
- (b) cattle;
- (c) sheep, goats and pigs;
- (d) dogs; and
- (e) cats; or
- (f) any other animal, which he/she thinks is proper to do so, provided that a Municipality may in regard to any pound in its area give permission to the pound master to maintain a smaller number of enclosures thereon.

**35. Destruction of Dangerous or Contagious Animals**

35.1 A pound master may cause to be destroyed any impounded animal suffering from a contagious disease, or which may prove dangerous to human life or other animals impounded, however, no such animal may be destroyed unless a veterinary surgeon, registered with the South African Veterinary Council, has examined it and has agreed with the pound master as to the necessity for its destruction.

35.2 If any animal suffering from a contagious disease is brought to the pound, or becomes infected while impounded, such animal must be kept separate from other impounded animals and must be dealt with in accordance with the provisions of the Animal Diseases Act, (Act no. 35 of 1984).

**36. Notice of Impounded Animals**

36.1 A pound master who knows the name of the owner of an animal impounded in his pound must, within seven (7) days after impoundment of such animal, give written notice to such owner that the said animal has been impounded.

36.2 Where the owner of an impounded animal is not known to the pound master, the pound master must upon receipt of such animal report the impoundment to the nearest South African Police Services office or the South African Police Services Stock Theft Unit.

**37. Keeping of Pound Register**

37.1 A pound master must keep a pound register with the following particulars:

- (a) The date when, and the cause for which, all animals received by him are impounded;
- (b) the number, sex, estimated age, and description of such animals;
- (c) particulars regarding the brand mark, lip tattoo, ear tattoo or ear tag of such animals;
- (d) the condition of each individual animal, being good, fair, or poor, including any obvious ailment such as, but not limited to, injuries and broken horns;
- (e) the name and residence of the person impounding such animals, and the name and residence of the owner or supposed owner;
- (f) the date and particulars of the release or sale of the animals, as the case may be; and
- (g) any other matters which he may be directed by the Municipality to ascertain and record.

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37.2 The entries under subsection (1)(a), (b) and (c) must be made at the time the animals are impounded and the entries under subsection (1)(d) and (e) must be made as soon as the pound master obtains the necessary information, provided that no entry may be made after the particulars in (a) to (e) has been placed in dispute by any person.

37.3 In case of the death or injury of any impounded animal, the pound master shall enter in his pound register a description of such animal and the cause of its death or injury.

### **38. Inspection of and Extracts from Pound Register**

38.1 A pound register must be kept at the pound or any other approved place and must at all reasonable times be open for inspection, free of charge, to any authorized officer of the municipality, veterinary surgeon, an Authorised Official in terms of the Animal Diseases Act, 1984 (Act 35 of 1984) or thereplacing Animal Health Act 2002 (No 7 of 2002), any member of the police service, or the public.

### **39. Submission of Pound Register Entries after Pound Sales**

39.1 A pound master must within 14 days after the date of each pound sale submit to the Municipality a copy of all entries in his pound register made since the date of the preceding submission, and the Municipality must preserve, for a minimum period of five years, all such copies for inspection by any person desirous of seeing them.

### **40. Inspection of Pound Register at Place of Sale**

40.1 Whenever a sale of impounded animals is to take place, the pound master or a person authorized to conduct the sale, must take the pound register with him to the place of sale, and such register must be open for inspection, free of charge, at the place of sale to all persons desirous of inspecting it.

### **41. Pound Master's Fees**

41.1 The Municipality may fix fees and charges or tariffs for the keeping of animals in a pound and may, in determining such fees and charges or tariffs, distinguish between different kinds of animals and provide for the keeping, feeding and veterinary caring of animals in separate enclosures.

41.2 Every pound master is entitled to claim the fees and charges or tariffs determined by the municipality in terms of subsection (1) for every animal impounded by him in terms of this by-law.

### **42. Fees Payable**

42.1 The fees and charges or tariffs determined by the Council in terms of section 41 must be paid to the pound master by the owner of the animals impounded.

42.2 The said fees and charges or tariffs, together with any costs which the pound master may have incurred, as well such animals, may be detained by the pound master in security of payment of the said fees and charges or tariffs, provided that if the value of the animals impounded is in excess of the total amount due thereon, as determined in terms of this By-law, and if the owner is unable to pay the said amount, the pound master may detain only so many of the said animals as may be sufficient to secure the total amount due for all the animals, and must deliver the remainder of the animals to the said owner.

42.3 A pound master who retains any greater number of such animals than is reasonably necessary to secure such amount is liable to the owner for any damages sustained by him on account of such retention.

42.4 If the pound master is an official of the Municipality, he must pay the fees and charges or tariffs received by him in terms of this By-law into the revenue of the Municipality.

42.5 No pound master may release any impounded animal until the prescribed fees and charges or tariffs have been paid to him.

### **43. Notice of Sale**

43.1 Every pound master must –

(a) whenever any impounded animal has not been released within six days from the date of its impoundment, forward to the Municipality a notice setting forth the species, marks and distinguishing features (if any) of such animal, and in regard to horses and cattle their colour also, and stating that the animal mentioned therein will be sold at the next sale of impounded animals, as well as the time and place of such sale;

(b) upon sending such notice to the Municipality, post a copy thereof in some or other conspicuous place at or near his or her pound, there to remain until the day of the sale; and

(c) cause to be published in a newspaper circulating in the area of jurisdiction of the Municipality where the pound is situated a notice of the sale of an impounded animal, provided that the cost of such notice is recoverable from the owner of the impounded animal and is deemed

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to be part of the amount to be deducted from the proceeds of the sale of an animal and it is recoverable from the owner of such animal if the said proceeds are less than the amount due, provided further that -

- (i) if such notice refers to more than one animal, the Municipality shall in its discretion, divide the cost of such notice pro rata in respect of the animals referred to therein; and
- (ii) if the owner of an impounded animal is unknown, and the proceeds of the sale do not cover the amount as aforesaid, the Municipality shall make good the deficiency.

#### **44. Auctioneer**

44.1 Every sale of impounded stock must –

- (a) be conducted by the pound master or some other person duly authorized thereto by the Municipality; and
- (b) commence at the time and date mentioned in the notice in terms of section 43.1(a).

44.2 No person conducting a pound sale may have any direct or indirect interest in any purchase at any sale so held by him.

#### **45. Sale of Impounded Animals**

45.1 At every such sale-

- (a) no animal may be put up for sale unless impounded for at least two weeks;
- (b) all animals, except sheep and goats must be sold individually;
- (c) sheep and goats must be sold in lots of not more than ten, and sheep and goats, or sheep or goats with different marks or brands may under no circumstances be sold together in the same lot;
- (d) animals must be sold for cash, and the proceeds, less the amount of the pound fees and other fees, charges or tariffs payable in respect of such animals must forthwith upon receipt, be handed by the pound master to the Municipality, to be paid to the owners of the animals sold according to their respective rights, provided that -
  - (i) if in any particular case the animals sold do not realise sufficient to yield the sum of pound fees and other fees, charges or tariffs as aforesaid, the proceeds must be first utilized for the payment of the compensation due to the pound master, and if the said proceeds are insufficient to cover such compensation, the balance of compensation must be paid to the pound master by the Municipality;
  - (ii) any money, being the proceeds of the sale of any impounded animal as aforesaid, which remains in the hands of the Municipality for a period of 12 months without being claimed by the owner of such animal, becomes the accretion to such municipality;
  - (i) it shall be competent for the Municipality to make good to the pound master any loss which he or she may incur in the keeping of animals where the selling price does not cover the costs incurred;
  - (iv) it shall be competent for any pound master, after compliance with the procedure prescribed by section 9, to cause to be destroyed any aged or otherwise permanently unfit animal presented at the pound;
  - (v) if any animal dies in the pound and the owner cannot be traced, the expenses of burying the carcass shall be borne by the municipality;
  - (vi) the Municipality or an Authorized Officer may fix a reserve price for any animal offered for sale; and
  - (vii) the auctioneer may withdraw any animal from the sale if the highest bid received is not in his opinion satisfactory, respectively whether or not a reserve price has been fixed by the Municipality.

45.2 The proceeds of any sale shall be used to defray all costs connected with such sale and the impounding of such animals.

#### **46. Illegal Impounding and Penalties**

46.1 Any person who illegally impounds any animal commits an offence and is, in addition, liable to the owner for all damages, pound fees, compensation, cost and charges arising out of such proceeding, and for all charges, fees or tariffs in connection therewith.

#### **47. Recovery of Loss in Respect of Impoundment of Animals from Area of Another Municipality**

47.1 Any loss suffered by a Municipality as a result of the impounding in a pound under its management and control of animals found trespassing within the area of jurisdiction of another Municipality, may be recovered from such other Municipality.

#### **48. Use, Detention and Ill-treatment of Animals**

48.1 No person may furiously drive away any animal found trespassing, worry or ill-treat it.

#### **49 Powers of Enforcement**

49.1 An Authorised Officer may enter premises for the purpose of detecting a breach of this By-law or an offence if the officer has reasonable grounds for suspecting that a breach of the By-law or if the offence has occurred or is occurring on the premises.

49.2 An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may issue a warrant for an Authorised Officer to enter private property involved in an offence, and seize and impound animal.

49.3 The Municipality may claim the actual cost from the owner or occupier, of the premises; for carrying out the abatement. These costs are additional to any costs incurred for the impounding and sustenance of the animal(s) seized or impounded.

## 50. No Liability

50.7 Neither the Municipality nor the Authorised Official nor any employee of the Municipality shall be liable for or in respect of any injury suffered or disease contracted by or damage caused to any animal as result of ordering its seizure, impounding, detention, sale or destruction in terms of this By-law.

## 51. Rescue of Impounded Animal Prohibited

51.1 No person shall, by threats of violence or otherwise, rescue or attempt to rescue from the person or persons in charge thereof any animal being lawfully brought to the pound, or shall rescue or attempt to rescue any animal after such animal has been lawfully impounded by an Authorised Official.

## CHAPTER 9

### PET SHOPS AND PET SALONS

#### 52. Requirements for Premises and Duties of Trader

52.1 A person must not conduct a business of a pet shop or pet salon in or upon any premises –

- (a) in which there is direct internal access with any room or place used for human habitation or in which clothing is stored or sold or food for human consumption is prepared, stored, sold or consumed;
- (b) unless the premises are constructed and equipped in accordance with the following requirements:
  - (i) every wall including any partition of any building must be constructed of brick, concrete or other durable material, must have a smooth internal surface and painted with a light coloured washable paint or given some other approved finish.
  - (ii) the ceiling of any building must be constructed of durable material, have a smooth finish, be dust proof and painted with a light coloured washable paint.
  - (iii) one hand wash basin with a constant supply of hot and cold running water laid on, must be provided for every 15 or part of that number of persons employed on the premises which must be drained.
  - (iv)
    - (aa) A rodent proof store-room, with a floor area of not less than 10 square metre must be provided.
    - (bb) If the Authorised Official is satisfied that, having regard to the extent of the business and the quantity of goods and equipment and pets food to be stored on the premises, a store-room of smaller dimensions than the minimum dimensions in terms of subparagraph (aa) is adequate, he or she may permit a smaller store-room.
  - (v) Facilities for the washing of cages, trays and other equipment must be provided in the form of either -
    - (aa) a curbed and roofed over platform with a surface of at least 1,5 square metre raised at least 100 millimetre above the floor and constructed of concrete or other durable and impervious material brought to a smooth finish, which platform must be provided with a constant supply of water laid on; or
    - (bb) a stainless steel sink or trough not less than 304 millimetre deep with a drainage board and with a constant supply of water laid on;
  - (vi) The platform, sink or trough referred to in subparagraph (v) must be drained and any wall surface within 0,5 metre of such platform, sink or trough must be permanently covered with durable waterproof material to a height of at least 1,4 metre above the floor.
  - (vii)
    - (aa) If required by the Authorised Official, a separate change room, clearly designated, must be provided for any sex if more than two persons are employed on the premises.
    - (bb) A change room must have a floor area of at least 0,5 m<sup>2</sup> for each employee with a minimum overall floor area of 6,5 m<sup>2</sup> and a minimum width of 2,1 metre and must be equipped with a separate metal clothes locker for the keeping of personal clothing of each employee.
    - (cc) For each employee for which no change room is required in terms of subparagraph (aa), a metal clothes locker must be provided.
  - (viii) No door, window or other opening in any wall of a building on the premises must be within 2 metre of any door, window or opening to any building in which food is prepared, stored or sold for human consumption or consumed by humans.

52.2 A person who conducts the business of a pet shop must –

- (a) provide cages for housing animals, poultry or birds, and the following requirements must be complied with:
  - (i) The cages must be constructed entirely of metal or other durable impervious material and must be fitted with a removable metal tray below the floor thereof to facilitate cleaning.
  - (ii) A cage must be free from any recess or cavity not readily accessible for cleaning and every tubular or hollow fitting used in connection therewith must have its interior cavity sealed.



- (iii) A cage must be of such size and mass and so plated that it can be readily moved.
  - (iv) If rabbits are kept in a cage, the metal tray referred to in sub paragraph (i) must be drained to a removable receptacle.
  - (v) A cage must be fitted with a drinking vessel filled with water and accessible to the pets kept in the cage.
  - (vi) The distance from any cage to the nearest wall must at all times be not less than 150 mm.
  - (vii) The cages must be kept not less than 450 mm above floor level and the space beneath the cages must be unobstructed.
- (b) provide rodent proof receptacles of an impervious material with close fitting lids in the store-room in which all loose pet food must be stored;
  - (c) provide refrigeration facilities in which all perishable pet food kept on the premises must be stored at a temperature not higher than 10°C;
  - (d) maintain in every room in which pets are kept, an unobstructed floor space of not less than 30% of the floor area of such room and a distance of not less than 800 mm between rows of cages;
  - (e) maintain the premises and a cage, tray, container, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet shop, in a clean, sanitary condition, free from vermin and in good repair;
  - (f) take effective measures for the prevention of harbouring or breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of pets on the premises;
  - (g) provide overalls or other protective clothing for the use of persons employed in connection with the pet shop and ensure that such apparel is worn by the employee when on duty;
  - (h) not keep any pet in the yard or other open space on the premises unless otherwise approved by the Municipality;
  - (i) provide isolation facilities, in which every pet which is or appears to be sick must be kept whilst on the premises;
  - (j) ensure that there is a constant and potable water supply for drinking and cleaning purposes;
  - (k) ensure that the premises are at all times so ventilated so as to ensure sufficient movement of air for the comfort and survival of the pets;
  - (l) ensure that the number of pets per cage are not such that the free movement of such pets is impeded.

## CHAPTER 10 MISCELLANEOUS

### 53. Grazing Animals in Urban Area

- 53.1 No horse shall be kept in an urban area without a permit from the Municipality to do so.
- 53.2 No animal(s) can be grazed on land in an urban area without a permit from Municipality to do so.
- 53.3 Written consent must be obtained by the applicant, from all neighbours directly next to, in front of and behind the section/s to be grazed, before any permit will be considered.
- 53.4 If written consent from all neighbours directly affected is not obtained then no permit will be issued and no animal can graze the section/s.
- 53.5 Any animal(s) grazing on land in an urban area must be ear tagged with the owner's details.
- 53.6 At Municipality's pleasure, a permit may be granted for the temporary grazing of sheep to clear vegetation from vacant lots, where overgrown vegetation may pose a fire risk.

### 54. Permits

- 54.1 Every person who wishes to obtain a permit to keep animals shall make application to the Municipality in writing and shall provide any supporting information and application fee as the Municipality may require.
  - 54.2 For every permit required under any section in this By-law, the applicant must pay to the Municipality a fee that Council may by resolution from time to time prescribe.
  - 5.3 The Municipality reserves the right to impose conditions on a permit as it sees fit, to prevent situations that may be a nuisance of any sort or that may be offensive, or injurious to health.
  - 54.4 The Municipality may refuse to issue a permit if, in the opinion of the Authorised Officer, the keeping of animals under such a permit is likely to become a nuisance of any sort, offensive, or injurious to health.
  - 54.5 The Municipality may cancel or revoke (in writing) any permit issued if, in the opinion of the Authorised Officer, the keeping of animals under such licence has become a nuisance or any sort, offensive, injurious to health or if any conditions stated on the permit are breached.
  - 54.6 The Municipality reserves the right to revoke (in writing) any permit issued under this By-law, at any time, if any conditions stated on the permit are breached or for any other reason by the Municipality.
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**55. Animal Cruelty**

55.1 Any person who

- (a) possesses, keeps, imports, buys, sells, trains, breeds or has under his or her control an animal for the purposes of fighting any other animal;
- (b) baits, provokes or incites any animal to attack another animal or to proceed with the fighting of another animal;
- (a) for financial gain or as a form of amusement promotes animal fights;
- (d) allows any of the acts referred to in paragraphs (a) to (c) to take place on any premises or place in his or her possession or under his or her charge or control;
- (e) owns, uses or controls any premises or place for the purpose or partly for the purpose of presenting animal fights on such premises or place or who acts or assists in the management of such premises or place, or who receives any consideration for the admission of any person to such premises or place; or
- (f) is present as a spectator at any premises or place where any of the acts referred to in paragraphs (b) to (e) is taking place or where preparations are being made for such acts, is guilty of an offence and liable on conviction to a fine or imprisonment.

**56. Penalties and Offences**

56.1 Every person who:

- a) Does, or causes anything that is contrary to this Bylaw;
- b) Omits or neglects to do anything which ought to be done by them at the time and in the manner provided in this Bylaw;
- c) Does not refrain from doing anything which under this Bylaw they are required to abstain from doing;
- d) Knowingly permits any condition or thing to exist contrary to any provision contained in this Bylaw;
- e) Refuses or neglects to comply with any notice or direction given to them under this Bylaw;
- f) Obstructs or hinders any Authorised Officer in the exercise of any power conferred upon them by this Bylaw; or
- g) Fails to divulge their full name, address and date of birth or other relevant information when requested to do so by an Authorised Officer, commits an offence.

56.2 Every person who is convicted of an offence against this By-law is liable on conviction to a fine not exceeding R60 000.00 (sixty thousand rand) or to imprisonment for a period not exceeding three years or both such fine and imprisonment.

56.3 In any prosecution it is presumed, unless the contrary is proved, that an animal that is found at any premises or place is the property or under the control of the owner of those premises or that place, or is the property or under the control of the person who uses or is in control of the premises or place.

**57. Conflicting By-laws**

57.1 If there is any conflict between provision(s) of this By-law and provision(s) of any other by-law of the Municipality, the provisions of this By-law prevail to the extent of inconsistency.

**58. Repeal and Amendment**

58.1 Any other by -laws relating to keeping of animals adopted by the former municipal councils now forming part of the Municipality are repealed from the date of promulgation of these by-laws

58.2 The by-laws relating to Keeping of Animals, Poultry and Bees as promulgated in the Local Government Notice No. 35 of June 2016, are hereby amended.

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**59 Short Title and Commencement**

59.1 This By-law is called **Mangaung, Keeping of Animals, Poultry and Bees By-law** and the amendments effected come into operation on the date of promulgation thereof in the Provincial Gazette.

[PROVINCIAL NOTICE NO. 49 OF 2019]

**MANGAUNG METROPOLITAN MUNICIPALITY****PROMULGATION NOTICE****Unightly and Neglected Buildings and Premises By-law**

Passed by Council on Tuesday, 05 March 2019

Under Item 18.1 – 5/03/2019

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the revised set of Unightly and Neglected Buildings and Premises By-laws, at the sitting dated 05 March 2019.
- 2) The reviewed Unightly and Neglected Buildings and Premises By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

**Adv. Tankiso Mea**  
**City Manager**

**BY-LAWS RELATING TO UNSIGHTLY AND NEGLECTED BUILDINGS AND PREMISES****1. Definitions**

1.1 In this By-law, unless the context otherwise indicates –

**"enforcement officer"** means an employee of the Municipality authorized by the Municipality to implement and enforce the provisions of this By-law;

**"building"** has the meaning assigned thereto in section 1 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and includes—

- (a) any structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with the—
  - (i) accommodation or convenience of human beings or animals;
  - (ii) manufacture, processing, storage, display or sale of any goods;
  - (iii) rendering of any service;
  - (iv) destruction or treatment of refuse or other waste materials;
  - (v) cultivation or growing of any plant or crop;
- (b) any wall or part of a building; or
- (c) a unit or common property as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986);

**"municipality"** means Mangaung Metropolitan Municipality established by Provincial Notice №. 155 of 2016 as published in the Provincial Gazette, Free State Province of 22 July 2016, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

**"municipal area"** refers to the area under the jurisdiction and control of the Municipality;

**“owner”** in relation to a building or premise means the person in whose name the land on which such building was or is erected, as the case may be, is registered with the deeds office and includes a person in charge of such building or premise: Provided that if—

- (a) such person, in the case of a natural person, is deceased or was declared by a court of law to be incapable of managing his or her own affairs or a prodigal or is a patient as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973), or if his or her estate has been sequestrated, the executor or curator concerned, as the case may be;
- (b) such person, in the case of a juristic person or trust, has been liquidated or placed under judicial management, the liquidator or judicial manager concerned, as the case may be;
- (c) such person is absent from the Republic or if his or her whereabouts are unknown, any person who, as agent or otherwise, undertakes the management, maintenance or collection of rentals or other moneys in respect of such building or premise, or who is responsible there for;
- (d) in the case of a sectional title scheme, a sectional title unit is registered in the name of a person, that person;
- (e) in the case of a trust, the trustees of such trust;
- (f) in the case of a sectional title scheme, a body corporate responsible for the control, administration and management of the common property; or
- (g) where the Municipality is unable to determine the identity of such person, any person who is entitled to the benefit of the use of such building or who enjoys such benefit;

**“premise”** refers to any land or erf whatsoever, whether vacant or occupied with or without buildings thereon, situated within the jurisdictional area of the Municipality.

**“unsightly and neglected building or premise”** refers to any building or premise or a portion thereof—

- (a) that appears to have been abandoned by the owner with or without the consequence that rates or other service charges are not being paid;
- (b) that is derelict in appearance, overcrowded or is showing signs of becoming unhealthy, unsanitary, unsightly, neglected, overgrown, objectionable or offensive and which causes the value of surrounding properties to be detrimentally affected;
- (c) that is the subject of written complaints in respect of criminal activities, including drug dealings and prostitution;
- (d) that is illegally occupied;
- (e) where refuse or waste material is accumulated, dumped, stored or deposited with the exception of licensed waste disposal facilities;
- (f) that is partially completed or structurally unsound or unsafe and is a threat or danger to the safety of the general public; or
- (g) has an accumulation of motor wrecks or used motor parts thereon which –
  - (i) detracts from the appearance of surrounding properties, or
  - (ii) is offensive to the owners or occupiers of adjacent premises,

## **2. Purpose of this By-law**

- 2.1 This By-law provides for the identification, monitoring and control of dilapidated, unsightly and neglected buildings or premises within the area of jurisdiction of the Mangaung Metropolitan Municipality; and to provide for matters incidental thereto.

## **3. Enforcement Officers**

- 3.1 The Municipality should appoint authorized employees as enforcement officers for the purposes of implementation and enforcement of the provisions of this By-law.

## **4. Inspection of Building or Premise**

- 4.1 Enforcement officers may enter any building or premise at any reasonable time with a view to—
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- (a) inspect and determine whether the building complies with the provisions of this By-law subject to notice of such intended inspection having been given to the owner; or
- (b) serve the owner of the building or the premise with the compliance notice as referred to in section 6.

4.2 No person must hinder or obstruct the enforcement officer in the exercise of his or her powers in terms of this By-law.

4.3 An enforcement officer shall, when entering the premise or building, produce a valid identification document issued to him or her by the Municipality to the owner of such building or premise.

## **5. Determination of a Building or Premise as Unightly and Neglected**

5.1 The enforcement officer may, subject to subsections (2) to (5), if a building or premise falls within the definition of "unightly and neglected building or premise" as defined in section 1, determine such building as unightly and neglected.

5.2 The enforcement officer shall, by written notice of seven (7) days, before determining such building or premise as unightly and neglected, inform the owner of his or her intention to determine such building or premise as unightly and neglected, giving the reasons for such determination.

5.3 The enforcement officer may carry out an investigation in respect of a building or premise which he or she intends to determine as unightly and neglected as contemplated in subsection (2), provided that he or she must display a notice of such investigation on the building or premise concerned.

5.4 The enforcement officer shall give the owner a period of seven days to make representations on why the building or premise should not be determined as unightly and neglected.

5.5 The enforcement officer shall, after considering the representations referred to in subsection (4), take a decision either to determine or not to determine the building or premise as unightly and neglected.

5.6 The owner shall, in respect of a determination in terms of subsection (1), have a right of appeal in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

## **6. Compliance Notice**

6.1 The enforcement officer shall serve a written notice on the owner of any building or premise which has been determined as unightly and neglected as referred to in section 5, requiring such owner within a specified period of thirty(30) days to—

- (a) repair, renovate, repaint, alter, close, demolish, secure, or remove all refuse from, such building or premise;
- (b) complete the construction of a unightly and neglected building or any structure of such building;
- (c) enclose, fence or barricade such unightly and neglected building or premise to the satisfaction of the Municipality;
- (d) appoint and instruct, at the cost of such owner, an approved competent person referred to in Part A 19 of the National Building Regulations, to examine a condition that gave rise to the determination of a building or premise as unightly and neglected and to report to the enforcement officer on the nature and extent of the steps to be taken, which in the opinion of such approved competent person needs to be taken in order to render such unightly and neglected building or premise safe and clean;
- (e) dispose of, destroy or remove any material or article accumulated, dumped, stored or deposited in any building or premise, which is refuse or waste and which is showing signs of becoming unightly, insanitary, unhealthy or objectionable or is likely to constitute an obstruction; or
- (f) comply with any provisions of this By-law.

6.2 The Municipality may, if such owner fails to comply with a notice served on him or her in terms of subsection (1), repair, renovate, repaint, alter, close, demolish, remove all refuse or secure any unightly and neglected building or premise at the cost of the owner.

6.3 The Municipality may, if the owner fails to pay such cost, recover the cost in terms of the Municipality's Credit Control and Debt Collection By-law of 2013, as amended..

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- 6.4 Despite subsection (1), section 5 and subject to any applicable legislation, if the enforcement Officer has reason to believe that the condition of any building is such that steps should forthwith be taken to protect life or property, he or she may take such steps as may be necessary in the circumstances without serving or delivering such notice on or to the owner of such building or premise and may recover the cost of such steps from such owner.
- 6.5 If the enforcement officer deems it necessary for the safety of any person, he or she may by notice in writing—
- (a) order the owner of any unsightly and neglected building or premise to remove, within the period specified in such notice, any person occupying or working, or who for any other purpose is in such building, and to take care that no person who is not authorized by the Municipality enters such building;
  - (b) order any person occupying or working, or who for any other purpose is in any unsightly and neglected building, to vacate such building.
- 6.6 No person shall occupy, use or permit the occupation or use of any unsightly and neglected building or premise or continue to occupy, use or permit, the occupation or use of any unsightly and neglected building or premise in respect of which a notice was served or delivered in terms of this section or steps were taken by the Municipality in terms of subsection (2), unless he or she has been granted permission by Municipality in writing that such building may be occupied or used or continue to be occupied or used, as the case may be.

## **7. Service of Compliance Notice**

- 7.1 Whenever a compliance notice is authorized or required to be served on a person in terms of this By-law, it shall be deemed to have been effectively and sufficiently served on such person—
- (a) when it has been delivered to him or her personally;
  - (b) when it has been left at his or her place of residence or business in the Republic with a person apparently over the age of 18 years;
  - (c) when it has been posted by registered or certified mail to his or her last known residential or business address in the Republic and an acknowledgment of the posting thereof is produced;
  - (d) if his or her address in the Republic is unknown, when it has been served on his or her agent or representative in the Republic in the manner contemplated in paragraph (a), (b) or (c); or
  - (e) if his or her address and agent in the Republic are unknown, when it has been posted in a conspicuous place on the immovable property, if any, to which it relates.
- 7.2 When a compliance notice as aforesaid is authorized or required to be served on a person by reason of his or her being or having been the owner or holding some other right in respect of immovable property, it shall not be necessary to name him or her, but it shall be sufficient if he or she is therein described as the owner or holder of such immovable property or other right, as the case may be.

## **8. Indemnity**

- 8.1 The Municipality or any enforcement officer of the Municipality shall not be liable to a third party for any damage caused by anything lawfully done or omitted by the Municipality or an enforcement officer in carrying out any function or duty in terms of this By-law.

## **9. Offences**

- 9.1 A person who contravenes any provision of this By-law, or fails to comply with a compliance notice issued in terms of this By-law shall be guilty of an offence.

## **10. Penalties**

- 10.1 A person who is guilty of an offence in terms of this By-law is upon conviction liable to a fine not exceeding R3 000.00 or imprisonment for a period not exceeding 6 months or to both such fine and imprisonment.
- 10.2 In the case of a continuing offence, an additional fine not exceeding R 1,000 or an additional period of imprisonment not exceeding 30 days or to both such additional fine and additional imprisonment for each day during which such failure or offence continues.
- 10.3 In addition to any penalty imposed in terms of subsections (1) and (2), the person so convicted shall be liable to pay the cost of repair of any damage caused or costs incurred in remedying any damage resulting from such an offence.
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**11. Repeal and Amendment**

- 11.1 Any by-laws relating to unsightly and neglected buildings and premises adopted by the council of the municipality or any municipality now comprising part of the Council are repealed from the date of promulgation of these by-laws.
- 11.2 The by-laws relating to Unsightly and Neglected Buildings and Premises, as promulgated in the Local Government Notice No. 96 of March 2014, are hereby amended.

**12. Application of this By-law**

- 12.1 This By-law applies to all unsightly and neglected buildings and premises situated within the area of jurisdiction of the Municipality, except those situated in areas exempted from the application of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).

**13. Short Title and Commencement**

- 13.1 This By-law is called the ***Mangaung, Unsightly and Neglected Buildings and Premises By-law*** and amendments effected come into effect upon the date of promulgation in the Provincial Gazette.
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<p align="center"><b>FREE STATE PROVINCIAL GAZETTE</b> <i>(Published every Friday)</i></p>	<p align="center"><b>VRYSTAAT PROVINSIALE KOERANT</b> <i>(Verskyn elke Vrydag)</i></p>																								
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<p align="center"><b>CLOSING TIME FOR ACCEPTANCE OF ADVERTS</b></p> <p>All advertisements must reach the Officer in Charge of the Provincial Gazette <b>not later than 12:00 (Tuesday), three working days</b> prior to the publication of the Gazette. Advertisements received <b>after 12:00 on the Tuesday of the publication week</b>, will be held over for publication in the issue of the following week, or if specifically requested by the advertiser, will be published as a "Special Publication". In such cases, the advertisement must be delivered to the Officer in Charge <b>not later than 12:00 on the Thursday</b> preceding the publication of the Gazette and <b>double rate</b> will be charged for that advertisement. Advertisements received publication on the <b>same day</b>, will be charged at <b>triple the normal rate</b>.</p> <p>A "Late Advertisement" will not be inserted as such without definite instructions from the advertiser.</p>	<p align="center"><b>SLUITINGSTYD VIR DIE AANNAME VAN ADVERTENSIES</b></p> <p>Alle advertensies moet die Beampte belas met die Provinsiale Koerant bereik <b>nie later nie as 12:00 (Dinsdag), drie werksdae</b> voordat die Koerant uitgegee word. Advertensies wat na <b>12:00 op die Dinsdag van die publikasie week</b> ontvang word, word oorgehou vir publikasie in die uitgawe van die volgende week, of as die adverteerder dit verlang, sal dit geplaas word in 'n "Buitengewone Koerant". In sulke gevalle moet die advertensie aan die Beampte oorhandig word <b>nie later nie as 12:00 op die Donderdag</b> voordat die Koerant gepubliseer word en <b>dubbeltarief</b> sal vir dié advertensie gevra word. 'n <b>Drievoudige tarief</b> sal gevra word vir advertensies wat ontvang is vir publikasie op die selfde dag.</p> <p>'n "Laat Advertensie" sal nie sonder definitiewe instruksies van die Adverteerder as sodanige geplaas word nie.</p>																								
<p align="center"><b>ADVERTISEMENT RATES</b></p> <p>Notices required by Law to be inserted in the Provincial Gazette: <b>R 63.00</b> per centimeter or portion thereof.</p> <p>Advertisement fees are payable in advance to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein, 9300, Tel.: (051) 403 3139.</p>	<p align="center"><b>ADVERTENSIETARIEWE</b></p> <p>Kennisgewings wat volgens Wet in die Provinsiale Koerant geplaas moet word: <b>R 63.00</b> per sentimeter of deel daarvan.</p> <p>Advertensiegelde is vooruitbetaalbaar aan die Beampte belas met die Provinsiale Koerant, Posbus 517, Bloemfontein 9300, Tel.: (051) 403 3139.</p>																								
<p align="center"><b>NUMBERING OF PROVINCIAL GAZETTE</b></p> <p>You are hereby informed that the numbering of the Provincial Gazette /Tender Bulletin and notice numbers will from 2010 coincide with the relevant financial year. In other words, the chronological numbering starting from one will commence on or after 1 April of every year.</p>	<p align="center"><b>NOMMERING VAN PROVINSIALE KOERANT</b></p> <p>U word hiermee in kennis gestel dat die nommering van die Provinsiale Koerant / Tender Bulletin en kennisgewingnummers vanaf 2010 met die betrokke boekjaar sal ooreenstem. Met ander woorde, die kronologiese nommering beginnende met een, sal op of na 1 April van elke jaar begin.</p>																								
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