

LOCAL GOVERNMENT ACT
(Cap. 40:01)

**KGALAGADI DISTRICT COUNCIL (ADVERTISEMENTS
AND HOARDINGS) BYE-LAWS, 2017**
(Published on 29th September, 2017)

ARRANGEMENT OF BYE-LAWS

BYE- LAW

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SCHEDULES

IN EXERCISE of the powers conferred by sections 44 and 45 of the Local Government Act, and after consultation with the community living within the council area, and with the approval of the Minister of Local Government and Rural Development, the Kgalagadi District Council hereby makes the following Bye-laws —

1. These Bye-laws may be cited as the Kgalagadi District Council Citation
(Advertisements and Hoardings) Bye-laws, 2017.

2. In these Bye-laws, unless the context otherwise requires — Interpretation

“advertisement” includes any notice, bill, placard, poster or similar publication;

“authorised official” means the Council Secretary or any employee of the Council authorised as such, in writing by the Council;

“Council” means the Kgalagadi District Council;

“council area” means the Kgalagadi District Council;

“hoarding” means any structure used as an advertisement or used for exhibiting any advertisement;

“owner” means, in relation to any lot or premises, a person in whose name the title to such lot or premises is registered, and includes an agent of the owner or any person receiving or entitled to receive rent in respect of such lot or premises;

Cap. 32:09	“planning area” means those areas declared as such by the Minister of Lands and Housing under the Town and Country Planning Act; “premises” means any building or part thereof, store, shop, tenement or other erection under, on or above the ground and the land occupied by the building, store, shop, tenement or other erection under, on or above the ground; and “street” means any highway, public bridge, road, lane, footway, square, recreation ground, court, alley or passage, whether a thoroughfare or not, and includes any works or thing forming part of or connected with such street.
Application Cap. 03:02	3. These Bye-laws shall apply to all planning areas of the Kgalagadi District Council as set out in the Administrative Districts Act.
Exemption	4. (1) These Bye-laws shall not apply to any advertisement on any board, support or framework carried by any person to — (a) hoardings which form a temporary part of any building operation shielding any work in progress or to protect the public from any hazard arising from work in progress; or (b) any hoarding erected on privately owned business for the purpose of advertising the said premises for sale. (2) The Council may direct the person erecting any advertisement or hoarding under subbye-law (1) to remove it or reposition it for any reason set out in these Bye-laws.
Application for permit	5. (1) A person shall not erect a hoarding in any place within the council area without a permit issued by the Council. (2) Any person who wishes to erect a hoarding shall make an application to the Council for a permit in Form 1 set out in Schedule 1, accompanied by detailed pictorial or architectural representation of the hoarding and its location as well as the fees specified in Schedule 2. (3) In addition to the requirements set out in subbye-law (2), an application for the erection of a hoarding within a road reserve shall be accompanied by the written consent from the Government Department responsible for roads, stating that the hoarding may be erected. (4) A permit obtained under this bye-law shall be issued in Form 2 set out in Schedule 1 and shall be valid for 12 months from the date of issue. (5) Any person who contravenes the provisions of this bye-law commits an offence and is liable to the penalties specified under bye-law 16.
Consideration of application	6. (1) The Council may, where an application made under bye-law 5 meets all the requirements under these Bye-laws, issue a permit for the erection of a hoarding. (2) The Council may reject an application for the erection of a hoarding if it considers that the proposed hoarding — (a) will be a distraction or visual obstruction to traffic, or will in any way interfere with the free movement of traffic, including pedestrians; (b) is objectionable in substance, presentation or scale; (c) will spoil the appearance of any improved or developed area set aside for industrial development, a park or other recreational purpose; or (d) will be offensive to any occupier or residential premises adjacent to, facing or abutting the site of the proposed hoarding.

7. (1) The owner or any person in receipt of any rent or profits from the use of any hoarding, shall maintain such hoarding in a proper state of repair and security to the satisfaction of the Council, failing which the Council may remove such hoarding at the expense of the owner, and in his or her default, or at the expense of any person in receipt of any rent or profit from the use of the hoarding.	Maintenance of hoarding
(2) The removal of the hoarding by the Council as referred to in subbye-law (1) shall not relieve the owner from any penalty provided for under these Bye-laws.	
8. (1) The owner of a hoarding shall exhibit and keep his or her name and address in a conspicuous position on the front of the hoarding.	Name and address of owner
(2) In the case of change of ownership of a hoarding, any person who wishes to acquire ownership of the hoarding shall, within 30 days, give written notice of such change to the Council.	
9. (1) A person shall not exhibit or cause to be exhibited any advertisement on any wall, fence, gate, cart, carriage or any place visible from a street without a permit from the Council.	Application for permit to advertise
(2) Any person who wishes to exhibit or cause to be exhibited any advertisement on any wall, fence, gate, cart, carriage or any place visible from a street shall make an application to the Council for a permit in Form 3 set out in Schedule 1 accompanied by the fees specified in Schedule 3.	
(3) A person who contravenes this bye-law commits an offence and is liable —	
(a) to a fine not exceeding P3000, or to imprisonment for a term not exceeding one year, or to both; and	
(b) on a second or subsequent conviction, to a fine not exceeding P5000, or to imprisonment for a term not exceeding two years, or to both.	
10. (1) The Council may, upon receipt of an application under bye-law 9, issue a permit in Form 4 set out in Schedule 1.	Issue of permit to advertise
(2) The Council may reject an application for a permit to advertise where the advert —	
(a) will be a distraction or visual obstruction to traffic, or will in any way interfere with the free movement of traffic, including pedestrians;	
(b) is objectionable in substance, presentation or scale;	
(c) will spoil the appearance of any improved or developed area set aside for industrial development, park or other recreational purpose; or	
(d) will be offensive to any occupier or residential premises adjacent to, facing or abutting the site of the proposed hoarding.	
(3) A permit obtained under this bye-law shall be valid for 12 months from the date of issue.	
11. A person shall not exhibit or cause to be exhibited on any hoarding or on any wall, fence, gate, cart, carriage or other place any advertisement that is not placed on or attached or affixed to such hoarding, wall, fence, gate, cart, carriage or place in a secure, neat and orderly manner.	Advertisement to be secure
12. (1) Where an advertisement exhibited on any hoarding or on any wall, fence, gate, cart, carriage or other place is defaced or is in an unsightly, torn or detached condition, the —	Removal of advertisements
(a) owner of a hoarding, wall, fence, gate, cart, carriage or other place;	
(b) person on whose behalf the advertisement is exhibited; or	

	(c) person in receipt of rent or profit from the use of the hoarding, wall, fence, gate, cart, carriage or other place, shall on receiving notice in writing to that effect from the Council, remove the advertisement within the time specified in the notice. (2) Where the advertisement is not removed as required under subbye-law (1), the Council may remove the advertisement at the expense of the owner, and in his or her default, the person on whose behalf the advertisement is exhibited, and in his or her default, any person in receipt of rent or profit from the use of the hoarding.
Furnishing name and address	13. The owner, and in his or her default, any person in receipt of any rent or profit from the use of any hoarding shall, when required by the Council, furnish the name and address of a person on whose behalf any advertisement on the hoarding is exhibited.
Obstructing view of traffic	14. (1) A person shall not erect any hoarding or exhibit or cause to be exhibited any advertisement near any road in such manner or place as to obstruct the view of any road user. (2) A person who contravenes this bye-law commits an offence and is liable to the penalties specified under bye-law 17.
Appeals	15. Any person aggrieved by the decision of the Council under these Bye-laws may appeal, in writing, to the Minister within 30 days of notification of such decision.
Hindering or obstructing an authorised official	16. Any person who obstructs or hinders an authorised official in the exercise of his or her duties under the provisions of any of these Bye-laws commits an offence and is liable — (a) to a fine not exceeding P500, or in default of payment thereof, to imprisonment for a term not exceeding six months, or to both; and (b) on a second or subsequent conviction, to a fine not exceeding P 1000, or in default of payment thereof, to imprisonment for a term not exceeding one year, or to both.
Offences and penalties	17. A person who contravenes any provisions of these Bye-laws for which no penalty is provided commits an offence and is liable — (a) to a fine not exceeding P2000, or to imprisonment for a term not exceeding one year, or to both; and (b) on a second or subsequent conviction, to a fine not exceeding P5000, or to imprisonment for a term not exceeding two years, or to both.

SCHEDULE 1

Form 1
(bye-law 5 (2))

KGALAGADI DISTRICT COUNCIL



Private Bag 005
Tsabong
Tel: 6540061
Fax: 6540259/6540347

To be completed by the receiving authority

Date Stamp

Perusal fee
Date paid
Receipt No.
Reference No.

APPLICATION FOR PERMIT TO ERECT A HOARDING

Name of applicant:

Postal and Physical Address:..... Tel:

Location of proposed hoarding.....

Dimensions of hoarding:

Height.....
Length.....
Width.....
Height above ground.....
Distance from existing hoarding.....
Distance from centre of the road.....
Distance from the edge of the road reserve.....
Distance from the centre of an intersection.....

Illuminated/non-illuminated
Flashing/non-flashing
Single sided/double sided
(Delete as appropriate)

Type of activity/business:

Declaration by applicant:

I declare that the information I have given above is true.

Full Names:

Signature: Date:

(Attach 4 copies of hoarding plans)

Form 2
(bye-law 5 (3))

KGALAGADI DISTRICT COUNCIL



Private Bag 005
Tsabong
Tel: 6540061
Fax: 6540259/6540347

To be completed by the receiving authority

Date Stamp

Perusal fee
Date paid
Receipt No.
Reference No.

PERMIT TO ERECT A HOARDING

Permit is hereby granted to erect a hoarding.

Amount paid in fees-----Pula (P)-----

Name of issuing Officer----- Designation-----

Date-----

Form 3
(bye-law 9 (2))

KGALAGADI DISTRICT COUNCIL



Private Bag 005
Tsabong
Tel: 6540061
Fax: 6540259/6540347

To be completed by the receiving authority

Date Stamp

Perusal fee
Date paid
Receipt No
Reference No.....

APPLICATION FOR PERMIT TO USE A WALL, FENCE, GATE OR OTHER
PLACE FOR EXHIBITION OF ADVERTISEMENT

Name of applicant:

Postal and Physical Address:..... Tel:

Location of proposed hoarding.....

Name and address of owner of wall, fence, gate, premises or other place

.....

Dimensions of hoarding:

Height

Length

Width

Illuminated/non-illuminated

Flashing/non-flashing

Single sided/double sided

(Delete as appropriate)

Type of activity/business:

.....

Declaration by applicant:

I declare that the information I have given above is true.

Full Names:

Signature: Date:

(Attach 4 copies of hoarding plans)

Form 4
(bye-law 10 (1))

KGALAGADI DISTRICT COUNCIL



Private Bag 005
Tsabong
Tel: 6540061
Fax: 6540259/6540347

To be completed by the receiving authority

Date Stamp

Perusal fee
Date paid
Receipt No.
Reference No.

PERMIT TO USE A WALL, FENCE, GATE, CART, CARRIAGE OR OTHER
PLACE FOR EXHIBITION OF ADVERTISEMENTS

Permit is hereby granted to use a wall, fence, gate, cart, carriage or other place for exhibition of advertisements.

Amount paid in fees-----Pula (P-----).
Name of issuing Officer-----Designation-----
Date-----

SCHEDULE 2
(bye-law 5 (2))

KGALAGADI DISTRICT COUNCIL



Private Bag 005
Tsabong
Tel: 6540061
Fax: 6540259/6540347

LEVY FOR HOARDINGS

Item	Fee
1. Hoardings of area of, and greater than 10m ²	P550/year/site
2. Hoardings of area less than 10m ²	P150/year/site
3. Hoardings of area of, and greater than 10m ² for less than 1 year	P300
4. Hoardings of area less than 10m ² for less than 1 year.....	P50

SCHEDULE 3
(bye-law 9 (2))

KGALAGADI DISTRICT COUNCIL



Private Bag 005
Tsabong
Tel: 6540061
Fax: 6540259/6540347

ADVERTISEMENT AND PERUSAL FEES

1. Advertisements of area of, and greater than 10m².....P550/year/site.
2. Advertisements of area less than 10m².....P150/year/site.
3. Mobile/trailer advertising.....P20/day/cart or carriage.
4. All advertisements of area less than 10m²
for less than 7 days.....P50 for first 50 copies
or less + P50 refundable
upon removal.
5. All advertisements of area less than
10 m2 for 7days or more.....P60 for the first month+
but less than one year P10/month/additional month
6. All advertisements of area of, or more
than 10m² for 7 days or more.....P80 for the first month+
but less than one year P30/month/additional month
7. Perusal feeP10/site applied for

MADE this 4th day of September, 2017.

BAITELELANG C. PHOTLOKWE,
*Council Secretary,
Kgalagadi District Council.*

APPROVED this 13th day of September, 2017.

SLUMBER TSOGWANE,
*Minister of Local Government and
Rural Development.*