

**VERORDENINGE: PIETERSBURG/POLOKWANE PLAASLIKE OORGANGSRAAD**

**BY-LAWS: PIETERSBURG/POLOKWANE TRANSITIONAL LOCAL COUNCIL**

**Administrator's Notice: 850**  
**30 May 1972, as amended**

**PIETERSBURG MUNICIPALITY: BY-LAWS FOR THE CONTROL OF TEMPORARY ADVERTISEMENTS AND PAMPHLETS**

*The Administrator hereby, in terms of section 101 of the Local Government Ordinance, 17 of 1939, publishes the by-laws set forth hereinafter, which have been approved by him in terms of section 99 of the said Ordinance.*

**Definitions**

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

*“advertisement” means any temporary poster, advertising material or sign which is visible from a street in any way whatsoever, and the purpose of which is to advertise any event or matter, excluding an election advertisement;*

**Administrateurskennisgewing: 850**  
**30 Mei 1972, soos gewysig**

**MUNISIPALITEIT PIETERSBURG: VERORDENINGE BETREFFENDE DIE BEHEER VAN TYDELIKE ADVERTENSIES EN PAMFLETTE**

Die Administrateur publiseer hierby ingevolge artikel 101 van die Ordonnansie op Plaaslike Bestuur, 1939, die verordeninge hierna uiteengesit, wat deur hom ingevolge artikel 99 van genoemde Ordonnansie goedgekeur is.

**Woordomskrywing**

1. Vir die toepassing van hierdie verordeninge, tensy dit uit die samehang anders blyk, beteken-

*“advertensie” enige tydelike plakkaat, advertensiemateriaal of teken wat op enige wyse hoegenaamd van ‘n straat af sigbaar is en wat ten doel het om enige gebeurlikeheid of aangeleentheid te adverteer, uitgesonderd ‘n verkiesingsadvertensie;*

“banner”	<i>means any poster, writing, sign or advertising material, the purpose or object of which is to advertise or announce anything;</i>	“banier”	enige plakkaat, geskrif, teken of advertensiemateriaal wat ten doel het om enigiets te adverteer of bekend te stel;
“Council”	<i>means the Town Council of Pietersburg and includes the management committee of that council or any officer employed by the Council, acting by virtue of any power vested in the Council in connection with these by-laws and delegated to him in terms of section 58 of the local Government (Administration and Elections);</i>	“pamflet”	enige pamflet, biljet, handbiljet, brosjure, strooibiljet, rondskrywe, boek of geskrif wat ten doel het om enigiets te adverteer of bekend te stel;

<p><i>“election advertisement”</i></p>	<p><i>means any advertisement or advertising apparatus which is visible from a street in any way whatsoever and which is displayed in connection with a Parliamentary, Provincial Council or Municipal election or by-election or referendum;</i></p>	<p>“Raad” Die Stadsraad van Pietersburg en omvat die bestuurskomitee van daardie Raad of enige beampte deur die Raad in diens geneem, handelende uit hoofed van enige bevoegdheid wat in verband met hierdie verordeninge aan die Raad verleen is en wat ingevolge artikel 58 van die Ordonnansie op Plaaslike Bestuur (Administrasie en Verkiesings), 1960 (Ordonnansie 40 van 1960) aan hom gedelegeer is;</p>
<p><i>“pamphlet”</i></p>	<p><i>means any pamphlet, bill, handbill, brochure, dodger, circular, book or publication, the object of which is to advertise or introduce anything;</i></p>	<p>“straat” enige openbare straat, laan, sypaadjie, publieke oop ruimte of park binne die Munisipaliteit Pietersburg;</p>
<p><i>“street”</i></p>	<p><i>Means any public street, avenue, sidewalk, public open space or park within the Pietersburg Municipality.</i></p>	<p>“verkiesingsadvertensie” Enige advertensie of advertensietoestel wat op enige wyse hoegenaamd van ‘n straat af sigbaar is of vertoon word en wat in verband met ‘n Parlementêre, Provinsiale Raads- of Munisipale verkiesing of tussenverkiesing of referendum gebruik word.</p>

### **Permission to Display**

- 2(1) *No person shall affix, attach, fasten, place, display or distribute or cause to be displayed or distributed or allow or suffer to be displayed or distributed any pamphlet, banner or any advertising matter in or in view of any street without the explicit authority of the Council unless he has paid the applicable charges as determined by the Council from time to time.*
- 2(2) *No pamphlet shall without the Council's consent in any way be scattered from the air or in any street provided that such prohibition shall not be applicable in respect of the distribution of pamphlets to be placed in a mail box or distributed within private property.*
- 2(3) *No persons shall deposit or leave any circular, dodger, handbill or other advertisement, including any election advertisements, on or inside any vehicle in any public street or place without having obtained permission to do so from the person in charge of such vehicle.*

### **Exempted Advertisements**

3. *Temporary advertisements, regarding the sale or lease of properties, applications in terms of the Council's town-planning scheme or other advertisements prescribed by law, temporary advertisements regarding building or similar activities on the site where such advertisements are displayed or temporary advertisements or election advertisements which are affixed inside or onto business premises, shall be exempted from the provisions of these by-laws.*

### **Vergunning om te Vertoon**

- 2(1) Niemand mag 'n advertensie, banier of enige advertensiemiddel in of in sig van 'n straat opplak, aangheg, vasmaak, plaas, vertoon, laat vertoon, of versprei of telatt of duld dat dit vertoon of versprei word, sonder die uitdruklike magtiging van die Raad en tensy hy die toepaslike gelde wat van tyd tot tyd deur die Raad bepaal word, betaal het nie.
- 2(2) Geen pamflette mag op enige wyse vanuit die lug of in enige straat rondgestrooi of versprei word nie met dien verstande dat sodanige verbod nie geld ten opsigte van die verspreiding van pamflette deur dit in 'n posbus te plaas of verspreiding daarvan binne privaat eiendom nie.
- 2(3) Niemand mag 'n rondskrywe, strooibiljet, handbiljet of ander advertensie, insluitende verkiesingsadvertensies op of binne in 'n voertuig op 'n openbare straat of plek plaas of laat nie, tensy hy eers toestemming daartoe verkry het van die persoon wat beheer oor sodanige voertuig het.

### **Vrygestelde Advertensies**

3. Tydelike advertensies betreffende die verkoop of verhuur van eiendomme, aansoeke ingevolge die Raad se dorpsaanlegskema of ander deur 'n wet voorgeskrewe advertensies, tydelike advertensies betreffende bouery of soortgelyke werksaamhede op die grond waar dit vertoon word of tydelike advertensies of verkiesingsadvertensies wat binne of aan 'n besigheidsgebou aangebring word, is vrygestel van die bepalings van hierdie verordeninge.

**Prohibited Advertisements, Pamphlets and Publications**

- 4(1) *No advertisement, banner or pamphlet which in the opinion of the Council is suggestive of anything indecent or which may prejudice the public morals, shall be displayed or distributed.*
- 4(2) *No advertisement, pamphlet or publication relating to any function, event, presentation or business outside the municipality, excluding advertisements, pamphlets or publications relating to charitable, church, political or school functions or meetings, shall be displayed or distributed in any manner.*

**Requirements for Advertisements**

5. *Any person who, in the exercise of permission granted in terms of section 2(1) and (2) displays, causes or suffers to be displayed in a street or other public place, a poster or other advertisement, shall comply with or cause the following requirements to be complied with:-*
- (a) *The poster or other advertisement shall be attached in such a manner that it will not become wholly or partially dislodged by wind or rain, to a neat and strong board made of wood or other suitable material approved by the Council and neither such board or other material nor the poster or advertisement itself shall without the Council's consent measure more than 1m by 1m.*

**Verbode Advertensies, Pamflette en Geskrifte**

- 4(1) Geen advertensie, banier of pamflet wat na die mening van die Taad iets onbetaamlik suggereer of wat die openbare sedes kan benadeel, mag vertoon of versprei word nie.
- 4(2) Geen advertensie, pamflet of geskrif wat betrekking het op enige geleentheid, gebeurtenis, aanbieding of besigheid buite die munisipaliteit, uitgesonderd advertensies, pamflette of geskrifte in verband met liefdadigheids- kerklike, politieke of skoolgeleenthede of -vergaderings, mag op enige wyse vertoon of versprei word nie

**Vereistes in Verband met Advertensies**

5. Enigiemand wat uit hoofde van 'n vergunning wat ingevolge artikel 2(1) en (2) verleen is, in 'n straat of ander openbare plek 'n plakkaat of 'n ander advertensie vertoon, laat vertoon of duld dat dit vertoon word, moet aan die volgende vereistes voldoen of sorg dat dit nagekom word:-
- (a) Die plakkaat of ander advertensie moet op sodanige wyse dat dit nie vanweë wind of reën heeltemal of gedeeltelik los sal raak nie, aan 'n netjiese en sterk bord van hout of 'n ander geskikte material wat die Raad moet goedkeur, bevestig word, en nòg die bord of ander material nòg die plakkaat of advertensie self, mag sonder die goedkeuring van die Raad groter as 1 m by 1m wees nie.

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| <p>(b) <i>A board or material as prescribed in terms of paragraph (a), shall not be placed on or against or be attached to or otherwise supported by any transformer box, telegraph pole, traffic light or sign or other structure or thing erected by the Council, the Provincial Council or the Government of the Republic, except on or against an electric pole or a tree standing in a street, park or other public place.</i></p> | <p>(b) 'n Bord of materiaal ingevolge paragraaf (a) voorgeskryf, mag nie geplaas word op of teen, of bevestig word aan, of andersins gestut word deur 'n transformatorkas, telegraafpaal, verkeerslig of teken of ander struktuur of ding wat deur die Raad, die Provinsiale Raad of die Regering van die Republiek opgerig is nie, behalwe aan of teen 'n elektriese paal of aan 'n boom wat in 'n straat, park of ander openbare plek staan.</p> |
| <p>(c) <i>Without prejudice to anything contained in paragraph (b) a board or material as prescribed in terms of paragraph (a) shall be firmly fastened to a strong and stable support by wire of not exceeding 8 and not less than 10 standard wire gauge.</i></p>   | <p>(c) Behoudens enige bepaling in paragraaf (b) vervat, moet 'n bord of materiaal voorgeskryf ingevolge paragraaf (a) met draad van 'n standaarddraadmaat van uiters 8 en minstens 10, styf vasgeheg word aan 'n sterk en stewige stut.</p>   |
| <p>(d) <i>No board or material as aforesaid shall be placed in such a situation or fastened in such a manner as is likely in the opinion of the Council to constitute a danger to any vehicular traffic or pedestrian in any street or other public place.</i></p>  | <p>(d) Geen bord of materiaal, soos voormeld, mag op so 'n plek geplaas word of op so 'n wyse bevestig word dat dit na die mening van die Raad 'n gevaar vir voertuigverkeer of voetgangers in 'n straat of op 'n ander openbare plek inhou nie.</p>   |
| <p>(e) <i>No poster or other advertisement relating to a meeting, function or event other than an election shall be displayed for longer than 14 days before the day on which it begins or longer than 3 days after the day on which it ends.</i></p>   | <p>(e) Geen plakkaat of ander advertensie met betrekking tot 'n vergadering, geleentheid of byeenkoms, uitgesonderd 'n verkiesing, mag langer as 14 dae voor die dag waarop dit 'n aanvang neem of langer as 3 dae na die dag waarop dit geëindig het, vertoon word nie.</p>   |
| <p>(f) <i>Not more than 50 posters or other advertisements relating to a meeting, function or event other than an election, shall be displayed at any one time.</i></p>   | <p>(f) Uitiers 50 plakkate of ander advertensies wat betrekking het op 'n vergadering, geleentheid of byeenkoms, uitgesonderd 'n verkiesing, kan op dieselfde tyd vertoon word.</p>  |
| <p>(g) <i>Not more than three advertisements may be displayed on the same side of any one street block, nor shall they be closer than 25m from any street intersection.</i></p>   | <p>(g) Uitiers drie advertensies mag aan dieselfde kant van een straatblok vertoon word en hulle mag nie nader as 25m van enige straatkruising wees nie.</p>   |

(h) *Notwithstanding the provisions contained herein, banners shall only be attached on such place as indicated by the City Engineer and shall be attached in such a manner that it will not become wholly or partially dislodged by wind or rain.*

#### **Election Advertisements**

6(1) *The requirements prescribed in the succeeding subsections of this section shall be complied with in respect of posters or other advertisements relating to a Parliamentary, Provincial or Municipal election: Provided that nothing contained in this section shall apply to a poster or other advertisement relating to such an election which-*

(a) *is located entirely on the inside of premises, that is to say, is displayed elsewhere on such premises than on an exterior wall or on the outside of any fence forming the apparent boundary of the premises;*

(b) *is displayed in or on a private motor vehicle parked or being driven in a street or other public place;*

(c) *is affixed to a hoarding licensed for the display of advertisements.*

6(2) *No poster or other advertisement shall be displayed later than the midnight of the fourth day after election day.*

(h) Nieteenstaande die bepalings hierin vervat mag baniere slegs bevestig word op sodanige plekke deur die Stadsingenieur aangewys en moet dit op sodanige wyse bevestig word dat dit nie vanweë wind of reën heeltemal of gedeeltelik los sal raak nie.

#### **Verkiesingsadvertensies**

6(1) Daar moet aan die vereistes wat in die volgende subartikels van hierdie artikel voorgeskryf word, voldoen word ten opsigte van plakkate of ander advertensies wat op 'n Parlementêre, Provinsiale Raads- of Munisipaleverkieëing betrekking het: Met dien verstande dat niks wat in hierdie artikel vervat is, betrekking het op 'n plakkaat of ander advertensie betreffende sodanige verkiesing wat-

(a) heeltemal binnekant 'n perseel aangebring is, dit wil sê wat op 'n buitemuur of aan die buitekant van 'n heining wat kennelik die grens van die perseel uitmaak;

(b) vertoon word in of op 'n private motorvoertuig wat geparkeer of bestuur word in 'n straat, of op 'n ander openbare plek;

(c) bevestig is aan 'n skutting wat vir die vertoon van advertensies gelisensieer is.

6(2) Geen plakkaat of ander advertensie mag later as die middernag van die vierde dag na die verkiesingsdag vertoon word nie.

**Manner of Application to Obtain  
Permission**

7. *When any applicant applies for permission to display or distribute an advertisement, election advertisement or pamphlet, such pamphlets or advertisements shall be handed in at the offices of the Council, the necessary application form shall be completed, and the prescribed deposit shall be paid. The Council's official stamp shall be placed on each such advertisement. No advertisement or pamphlet on which the Council's official stamp has not been placed shall be displayed or distributed*

**Deposit's and Fees**

8. *Notwithstanding any permission granted in terms of section 2(1), no advertisement, election advertisement or pamphlet shall be placed, displayed or distributed in any street unless the applicable amount, as determined by the Council from time to time, has been paid.*

**Removal of Advertisements and Election  
Advertisements**

9. *Every deposit paid in terms of section 8(a) shall subject to the provisions of section 10, be refunded when, and not before, all the advertisements and election advertisements to which the deposit relates have been removed to the satisfaction of the Council.*

**Wyse van Aansoek om Vergunning te  
Verkry**

7. Wanneer enige applikant aansoek doen om vergunning te kry om 'n advertensie of verkiesingsadvertensie te vertoon of te versprei, moet sodanige advertensie ingehandig word by die Raad se kantore, die nodige aansoekvorms voltooi en die voorgeskrewe deposito betaal word. Op elke sodanige advertensie word die Raad se amptelike stempel aangebring. Geen advertensie mag vertoon of verspei word waarop die Raad se amptelike stempel nie aangebring is nie.

**Deposito's en Gelde**

8. Daar mag, hetsy daar ingevolge die bepaling van artikel 2(1) vergunning daartoe verleen is aldan nie, geen advertensie of verkiesingsadvertensie in 'n straat geplaas, vertoon of versprei word nie tensy die toepaslike bedrag soos van tyd tot tyd deur die Raad bepaal, betaal is.

**Verwydering van Advertensies en  
Verkiesingsadvertensie**

9. Iedere deposito wat ingevolge artikel 8(a) betaal is, word behoudens die bepaling van artikel 10 terugbetaal wanneer al die advertensies en verkiesingsadvertensies waarop die deposito betrekking het tot voldoening van die Raad verwyder is, en nie voor daardie tyd nie.



10. *Any person who, having displayed or caused to be displayed any advertisement or election advertisement, fails to remove it or cause it to be removed within the periods prescribed in terms of section 5(e) or 6(3) shall be guilty of an offence and shall, in addition to any penalty imposed upon him in terms of section 11(1), forfeit the deposit relating to the advertisements and election advertisements paid in terms of the section 8(a) or such proportionate part of that deposit as the Council may assess having regard to the number of posters or advertisements not removed.*

#### **Offences**

11(1) *Any person who contrary to the prohibition in section 2(2) scatters or distributes a pamphlet or otherwise displays or permits or allows to display an advertisement, election advertisement or banner in a street or other public place without having obtained such permission fail to comply with any provisions of the by-laws or who otherwise contravenes any provision thereof, shall be guilty of an offence and liable on conviction to a penalty not exceeding R100,00 (one hundred rand).*

11(2) *Any person found depositing or leaving any circular, dodger, handbill, or other advertisement including an election advertisement on or in a vehicle in a public street or place, shall be presumed to have done so without the permission as referred to in section 2(3), unless he should produce satisfactory evidence of*

10. iemand wat, nadat hy enige advertensie of verkiesingsadvertensie vertoon of laat vertoon het, versuim om dit te verwyder of te laat verwyder binne die tydperk wat by artikel 5(e) of artikel 6(3) voorgeskryf is, begaan 'n misdryf en benewens enige boete wat hy ingevolge artikel 11(1) moet betaal, verbeur hy ook die deposito met betrekking tot die advertensies en verkiesingsadvertensies wat ingevolge artikel 8(a) betaal is, of 'n gedeelte van die deposito wat die Raad in verhouding tot die getal advertensies wat nie verwyder is nie, kan bepaal.

#### **Misdrywe**

11(1) iemand wat strydig met die verbod in artikel 2(2) 'n pamflet rondstrooi of versprei of andersins in 'n straat of 'n ander openbare plek 'n advertensie, verkiesingsadvertensie of banier vertoon of laat vertoon of duld dat dit vertoon word, sonder dat hy ingevolge artikel 2 vergunning daartoe verkry het en iemand wat nadat hy die betrokke vergunning verkry het, ten opsigte van 'n advertensie of verkiesingsadvertensie versuim om aan die bepalings van hierdie verordeninge te voldoen of wat andersins enige bepalings daarvan oortree, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R100,00 (eenhonderd rand)

11(2) Enigeen wat betrap word terwyl hy besig is om 'n rondskrywe, strooibiljet, handbiljet of ander advertensie insluitende 'n verkiesingsadvertensie op of in 'n voertuig op 'n openbare straat of plek plaas of laat, word geag dit sonder die toestemming soos in artikel 2(3) vermeld, te gedoen het, tensy hy bevredigende

*such permission.*

bewys van sodanige toestemming kan  
lewer.

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| <p>11(4) <i>Any person who is either by himself or jointly with any other person, responsible for organizing or is in control of any meeting, function or event to which an advertisement or pamphlet relates shall, until the contrary be proved, be deemed to have displayed or distributed the advertisement or pamphlet which is displayed or distributed relating to that meeting, function or event, or caused or allowed them to be displayed or distributed.</i></p>   | <p>11(4) Iemand wat, hetsy alleen of saam met iemand anders, verantwoordelik is vir die reëling of in beheer staan van 'n vergadering, geleentheid of byeenkoms waarop 'n advertensie of pamflet betrekking het, word tot tyd en wyl die teendeel bewys is, beskou as die persoon wat die advertensie of pamflet wat vertoon of versprei word en wat op sodanige vergadering of geleentheid of byeenkoms betrekking het, vertoon of versprei het, of laat vertoon of laat versprei het, of toegelaat of geduld het dat dit vertoon of versprei word.</p>   |
| <p>11(5) <i>The owner and the occupier of land or premises on which any advertisement or election advertisement is displayed in contravention of these by-laws shall be deemed to be guilty of an offence unless, in either case, he proves that he did not know of or could not by the exercise of reasonable vigilance, have known of or prevented such display.</i></p>   | <p>11(5) Daar word geag dat die eienaar en die bewoner van grond of 'n perseel waarop 'n advertensie of verkiesingsadvertensie strydig met hierdie verordeninge vertoon word, 'n misdryf begaan het, tensy hy in enigeen van die gevalle bewys dat hy nie van die vertoning van die advertensie geweet het nie of dat hy nie deur 'n redelike mate van waaksaamgheid aan die dag te lê, daarvan kon geweet het of dit kon verhinder het nie.</p>   |
| <p>11(6) <i>The Council shall be entitled, without giving notice to anyone, itself to remove or destroy any advertisement displayed without its permission having been obtained in terms of section 2(1) and (2) or in contravention of any provisions of these by-laws or which has not been removed within the period specified in terms of section 5(e) or 6(3), or which constitutes in any respect a contravention of the provisions of these by-laws, and the person who displayed such advertisement or caused, permitted or suffered it to be displayed shall be liable to refund to the Council the cost, to be assessed and deducted by the Council from the deposit made, of the said removal and destruction, and in addition shall be</i></p> | <p>11(6) Die Raad kan, sonder om enigiemand daarvan kennis te gee, self enige advertensie verwyder of vernietig wat sonder sy vergunning ingevolge artikel 2(1) en (2) verkry is of strydig met enige bepaling van hierdie verordeninge vertoon word, of wat nie verwyder is binne die tydperk wat ingevolge artikel 5(e) of 6(3) voorgeksryf is nie, of wat in enige opsig strydig is met die bepalings van hierdie verordeninge, en die persoon wat enige sodanige advertensie vertoon het of dit laat vertoon het, of toegelaat of geduld het dat dit vertoon word, is verplig om aan die Raad die koste van genoemde verwydering en vernietiging wat deur die Raad bepaal en van die gestorte deposito of gelde afgetrek moet word, te vergoed, en is boonop skuldig aan 'n misdryf.</p> |

*guilty of an offence.*

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### **Damage to Municipal Property**

12. *No damage shall be caused to any tree, electric pole or any municipal property, and any person who causes any such damage, or permits any such damage to be caused, shall be guilty of an offence and shall be responsible, in addition to the fine imposed, to repair the damage at his own expense to the satisfaction of the Council.*

### **The Right to Enter and Inspect Premises**

13. *Any member of the police force and any duly authorized employee of the Council may for any purpose in connection with the application of these by-laws at any reasonable time and without first giving notice thereof, enter any premises on which there is an advertisement or pamphlet, or in respect of which a reasonable suspicion exists that there is such an advertisement or pamphlet, and there carry out such inspection and make such enquiries as he may think necessary.*

### **Skade aan Munisipale Eiendom**

12. Geen skade mag aan enige boom, elektriese paal of enige munisipale eiendom aangerig word nie, en enige persoon wat enige sodanige skade veroorsaak of laat veroorsaak, is skuldig aan 'n misdryf en is verantwoordelik om, benewens die boete wat opgelê word, die skade op eie koste tot bevrediging van die Raad te herstel.

### **Die Reg om Persele te Betree en te Ondersoek**

13. Enige lid van die polisiemag en enige behoorlik gemagtigde weknemer van die Raad kan vir enige doel in verband met die toepassing van hierdie verordeninge, op enige redelike tydstip en sonder om vooraf daarvan kennis te gee, enige perseel waarop daar 'n advertensie of pamflet is, of ten opsigte waarvan daar 'n redelike vermoede bestaan dat daar so 'n advertensie of pamflet is, betree en sodanige ondersoek aldaar instel en navraag aldaar doen as wat hy nodig ag.