

LOCAL AUTHORITY NOTICE 260

**EMFULENI LOCAL
MUNICIPALITY**

**REGULATIONS RELATING TO THE
ERCTION, INSTALLATION, CONTROL, USE
OR REMOVAL OF ANY AERIAL SYSTEM FOR
THE RECEPTION OF SOUND AND
TELEVISION BROADCAST TRANSMISSIONS**

EMFULENI LOCAL MUNICIPALITY

REGULATIONS RELATING TO THE ERECTION, INTALLATION, CONTROL, USE OR REMOVAL OF ANY AERIAL SYSTEM FOR THE RECEPTION OF SOUND AND TELEVISION BROADCAST TRANSMISSIONS

In terms of the provisions of section 13 of the Local Government Systems Act (Act 32 of 2000), it is hereby notified that the Emfuleni Local Municipality publishes the By-laws set forth hereinafter, drafted by the Emfuleni Local Municipality in terms of section 12 of the aforementioned Act.

1. DEFINITIONS

In these Regulations, unless the context otherwise indicates.

"Aerial system" means a single system or a communal aerial system as defined in the Code or an HF wired distribution system as defined in the Specification:

"Local authority" means the Emfuleni Local Municipality as established in Notice 6765 of 2000 published in the Provincial Gazette Extraordinary dated 1 October 2000 (as amended) including the Mayoral Committee or any official 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 legislation.

"Occupier" in relation to any premises, means the person in actual occupation of such premises:

"Owner" in relation to any premises, means the registered owner of such premises:

"Premises" means an erf, lot, plot, stand or other similar subdivision of land within a township established or recognized under any law and includes any dwelling house or other building thereon: Provided that where any such dwelling house or building extends over more than one such subdivision, such subdivision shall, for the purposes of the Regulations, be deemed to be one subdivision:

"The code" means the Code of Practice of the South African Bureau of Standards, SABS 061 – 1973 for the Installation of Aerial Systems (Communal and Single) for the Reception of VHF and UHF Sound and Television Broadcast Transmissions (Metric Units):

"The Specification" means the Specification of the Central Standardization Committee, CKS 387 – 1973, for Television HF Wired Distribution Systems (Metric Units), published by the South African Bureau of Standards,

And any other word or expression has the meaning assigned thereto in the Ordinance or in the Code or in the Specification, as the case may be, and in the case of any conflict between the Ordinance and the Code or between the Ordinance and the Specification, the meaning assigned to any word or expression contained in the Code or in the Specification, as the case may be, shall prevail.

2. APPROVAL OF LOCAL AUTHORITY

- 2.1 No person shall erect, install or use any aerial system on any premises without having applied for and obtained the prior written approval of the local authority within whose area of jurisdiction such premises are situated: Provided that in respect of a single aerial system no such approval shall be necessary where the mast of such aerial system is erected on a building on such premises and such mast does not project more than 3 m above the highest point of such building.**

- 2.2 An application for any approval referred to in sub-regulation (2 1), shall be made to the local authority concerned in the form as set out in Schedule A to these Regulations, and such application shall be accompanied by the plans, drawings and other information indicated on such form.
- 2.3 Where plans are required for an aerial system, a fee as determined from time to time by the Council, shall be payable.
- 2.4 On receipt of any application in terms of sub-regulation (2 2), in respect such premises or cause such premises to be inspected, or call for such further information as It may deem necessary or expedient for the purpose of considering such application.
- 2.5 Any approval for an aerial system in terms of the provisions of sub - regulation (2 1) may be given subject to such conditions as the local authority concerned may deem fit to impose in respect of:
- (a) The aesthetic appearance of such system:
 - (b) The safety and stability of such system:
 - (c) The strength and stability of the structure on which such system is to be erected or installed: and
 - (d) The means to be adopted to prevent access to such system by unauthorized persons.

Provided that no condition shall be imposed which would interfere or would be likely to interfere with the reception of sound and television broadcast transmissions.

3. RESTRICTION ON THE ERCTION, INSTALLATION OR USE OF AERIAL SYSTEMS

- 3.1 No person shall erect, install or use:
- (a) Any aerial system which does not comply with the provisions of the Code or the Specification, as the case may be, on any premises:
 - (b) An aerial system, which serves premises other than those on which such system is erected or install.
- 3.2 Subject to the provisions of sub-regulations (3.3) and (3.4), no person shall erect, install or use any aerial system other than a communal aerial system on any premises.

3.3 A person may erect, install or use a single aerial system on any premises:

- (a) On which there is a single dwelling house including any outbuildings appurtenant thereto but excluding any semi-detached dwelling house: or
- (b) Which does not have more than one owner of a television receiver.

Provided that where in respect of such premises there owners or hirers of television receivers who are members or servant of the same household, such premises shall be deemed to have not more than one owner or hirer of a television receiver.

3.4 A person may erect, install or use an HF wired distribution system on any premises with a building thereon which is an hotel or in which provision is made for accommodation of persons in offices, rooms or other portions of such building and which are adequately furnished for the purposes of such accommodation by the person providing such accommodation.

4. NOTIFICATION OF COMPLETION OF INSTALLATION OR ERECTION OF AERIAL SYSTEM

4.1 Within 14 days after the completion of the erection or installation of such system shall by registered post furnish the local authority concerned and the applicant referred to in regulation 2 with a safety warranty and such other information as is set out in the form contained in Schedule B to these Regulations.

4.2 The local authority shall keep a record of all forms furnished to it in terms of the provisions of sub-regulation (4.1) and such record may be inspected by any person during normal office hours.

5. PARTICULARS TO BE ENDORSED ON CERTAIN BUILDING PLANS

5.1 Any person who intends:

- (a) To erect a new building on any premises: or
- (b) To extend the floor area of an existing building on any premises by not less than 40% of the floor area of such existing building, shall ensure that adequate provision has been made in the building plans concerned for conduits, junction boxes and such other fittings as are required for the erection or installation of an appropriate aerial system and shall endorse such plans or cause such plans to be endorsed accordingly. Provided that the foregoing provisions shall

not apply to any building which is designed for non-residential purposes or to a dwelling house.

- 5.2 Every person referred to in sub-regulation (5.1) shall during the course of the erection of a new building or the extension of the floor area of an existing building as contemplated in that sub-regulation, install or cause to be installed such conduits, junction boxes and other fittings as are shown on the building plans concerned and which comply with the Standard Regulations for the Wiring of Premises published by the South African Institute of Electrical Engineers and with the Code or the Specification, as the case may be.

6. POWERS OF ENTRY AND INSPECTION

6.1 Any officer of a local authority or other person acting on its behalf, authorized thereto in writing by such local authority may at all reasonable times enter upon any premises or any portion thereof.

- (a) On which any aerial system has been erected or installed or is being used: or
- (b) On which, he has reasonable grounds for believing, any aerial system has been erected, installed or is being used.

And there carry out any inspection or test, which he deems necessary or expedient in order to determine whether:

- (i) The provisions of these Regulations:
- (ii) Any condition imposed in terms of the provisions of regulation (2.4): and
- (iii) The provisions of the Standard Regulations for the Wiring of Premises, published by the South African Institute of Electrical Engineers in regard to the erection, installation or use of such aerial system are being complied with.

6.2 If it appears to the local authority from any inspection or test made in terms of sub regulation (6.1) that the provisions of these Regulations or any condition imposed in terms of regulation(2.4) have not been complied with the local authority may, by written notice, order the owner or occupier of the premises concerned to comply with such provisions or conditions or to remove the aerial system within such reasonable period as stated in such notice and may any expenses occasioned by such inspection and test from such owner or occupier.

6.3 If such owner occupier fails to comply with such notice within the period stated therein or within such further period as the local authority may allow, such local authority may remove the aerial system and may recover the expenses so incurred from such owner or occupier.

7. COMPLAINTS

Any person wishing to lodge a complaint may do so in writing to the Local Authority at P O Box 3 Vanderbijlpark 1900 whereupon the Local Authority shall provide a reply in writing

8. OFFENCES AND PENALTIES

Any person:

- (a) Who contravenes or fails to comply with:**
 - (i) Any provision of these Regulations:**
 - (ii) Any condition imposed in terms of regulation (2.4) or**
 - (iii) Any notice referred to in regulation (6.2): or**
- (b) Who obstructs or hinders any officer in the carrying out of any duty in terms of the provision of regulation (6.1) or**
- (c) Who in connection with any provision of the Regulations furnishes information which, to his knowledge, is false or in any material respect misleading,**

Shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000,00 or, in default of payment to imprisonment for a period not exceeding 6 (six) months.

9. REPEALS

The Emfuleni Local Municipality hereby in terms of section 13 of the Municipal System Act 32/2000, revokes and repeal all the By-laws relating to the Erection, Installation, Control. Use or Removal of any Aerial Systems for the reception of Sound and Television Broadcast Transmission within the area of authority of Emfuleni Local Municipality.

10. SHORT TITLE AND COMMENCEMENT DATE

- (1) these bylaws are called the Erection, Installation, Control, Use or Removal of any Aerial Systems for the reception of Sound and Television Broadcast Transmission of Emfuleni Local Municipality.
- (2) The Municipality may, by notice in the Provincial Gazette, determine that the provisions of these by-laws, listed in the notice, does not apply in certain areas within its area of authority from a date specified in the notice.
- (3) Until any notice contemplated in subsection (2) is issued, these By -laws are binding.

SCHEDULE A

(FORM TO BE COMPLETED IN DUPLICATE)

1. In terms of the provisions of regulation 2 of the Regulations relating to the erection, installation, control, use or removal of any aerial system for the reception of sound and television broadcast transmission, I / we the undersigned, in respect of the premises detailed below, hereby apply for approval to erect or install thereon a single aerial system/a communal aerial system/an HF wired distribution system (delete whichever is inapplicable) by

 (give full name and address of erector or installer), and to use such system thereon.

2. The description of the premises referred to in paragraph 1 is as follows:

Name of premises _____
 Street number _____
 Street _____
 Erf number _____ in the suburb of _____

3. Attached to this application are the relevant plans and drawings, including structural details, of the aerial system to be erected and installed.

4. Furnish the following information:

Material of the mast _____
 Type of foundation or method of fixing _____
 Method of stabilizing _____
 Material of building on which it is to be erected _____
 Power and signal cables will/will not run in the same conduit, junction box of fitting. (Delete whichever is inapplicable)

 Signature of Applicant

Name in block letters _____
 Address _____

Telephone number _____
 Place _____
 Date _____

SCHEDULE B
(FORM TO BE COMPLETED IN DUPLICATE)

AERTERIAL SYSTEM SAFETY WARRANTY

1. In terms of provisions of regulation 4 of the Regulations relating to the erection installation, control use or removal of any aerial system for the undersigned, hereby certify that the erection and installation of a single aerial system/a HF wired distribution system (Delete whichever is inapplicable) in respect of the premises detailed below, has been completed in accordance with:
 - (a) The safety requirements of the Code of Practice of the South African Bureau of Standards SABS 061 1973, or the Specification of the Central Standardization Committee CKS 387 1973, as the case may be:
 - (b) The Regulations relating to the erection, installation, control, use or removal of any aerial system for the reception of sound and television broadcast transmissions:
 - (c) The condition imposed by the local authority in terms of such Regulations: and
 - (d) The standard Regulations for the Wiring of premises, published by the South African Institute of Electrical Engineers.
2. The description of the premises referred to in paragraph 1 is as follows:

Name of premises _____

Street number _____

Street _____

Erf number _____ in the suburb of _____

3. Furnish the following information:

Wind loading of the aerial _____

Number of SABS certificate in the case of a HF wired distribution system

Name of applicant to whom local authority has given approval in terms of regulation 2: _____

Signature of person responsible for erection or installation

Name in block letters _____

Capacity of signatory _____

(If a company, the person authorized to sign on its

behalf)

Address _____

Telephone number _____

Place _____

Date _____