

NOTICE 114 OF 2017**AERIAL SYSTEMS BY-LAW, 2012**

By-Law No. 16, 2012

BY-LAW**As Amended by the Aerial Systems Amendment By-Law 2017**

To provide for the regulation of the erection of aerial systems in the Dawid Kruiper Municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control aerial systems in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

Definitions

1. In this By-Law, unless the context otherwise indicates -

"aerial system" means any device used or designed to assist radio or television broadcast or reception and shall include a dish aerial system;

"Municipal Manager" means the person appointed as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal Systems Act, 2000; and

"Municipality" means the Dawid Kruiper Municipality.

Permission for certain antennae systems

2. (1) No person may, erect a standard aerial for cellular communication of allows it to be erected.
- (a) without prior written consent of the municipality and subject to conditions determined in such notice, including any other conditions set relating to the size of the aerial, place to be erected ad the type of structure;
- (b) unless, the permission to erect has been preceded by a public participation process relating to the intended erection of the aerial;
- (2) Application for permission must be made to the Municipality on the form provided by the Municipality for that purpose and must be accompanied by the fees determined by the Municipality.
- (3) Any person who does not comply with the provisions of subsection (1) must, within 12 months after this By-Law has come into operation, comply with the said provisions.

Penalty clause

3. (1) Any person who contravenes or fails to comply with any provision of section 2(1) or any requirement or condition there under, shall be guilty of an offence.
- (2) Any person convicted of an offence in terms of subsection (1) shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Short title

4. This By-Law shall be called the Aerial Systems By-Law, 2012.

DAWID KRUIPER MUNICIPALITY

AERIAL SYSTEMS AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

[] Words in bold type and square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Aerial Systems By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kruiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kruiper Municipality Aerial Systems By-Law, 2012:

1. The Dawid Kruiper Municipality: Aerial Systems By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control aerial systems in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:"

Amendment of section 1 of the Dawid Kruiper Municipality: Aerial Systems By-Law, 2012

2. Section 1 of the principal By-Law is hereby amended:
 - (a) by the substitution for the definition of "Municipal Manager" of the following definition:

"Municipal Manager" means the [P]erson appointed [in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)] as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal Systems Act, 2000";
 - (b) by the substitution of the definition of "Municipality" of the following definition:

“Municipality” means the [//Khara Hais] Dawid Kruiper Municipality”.

Amendment of section 4 of the Dawid Kruiper Municipality: Aerial Systems By-Law, 2012:

3. The following section is hereby substituted for section 4 of the principal By-Law:
 - "4. This By-Law is called Dawid Kruiper Municipality: Aerial Systems Amendment By-Law, [2012] 2017 "