



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$4.65

WINDHOEK - 1 April 2000

No. 2304

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Government Notices

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 86

2000

CHANGE OF NAME OF A REGISTERED MEDICAL AID FUND: MEDICAL AID FUNDS ACT, 1995

In terms of section 25(4)(c) of the Medical Aid Funds Act, 1995 (Act No. 23 of 1995), I hereby make known that the NMA Health Care Medical Aid Fund has changed its name to Fedsure Health Namibia Medical Aid Fund with effect from 1 January 2000.

E.U. TJIPEPA**REGISTRAR OF MEDICAL AID FUNDS**

Windhoek, 16 March 2000

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 87

2000

COUNCIL FOR HEALTH AND SOCIAL SERVICES PROFESSIONS ACT, 1993:

NOTICE OF MEETING BY ALLIED HEALTH SERVICES PROFESSIONS TO ELECT MEMBERS FOR APPOINTMENT TO COUNCIL

Notice is hereby given in terms of the provisions of section 5(4) of the Council for Health and Social Services Professions Act, 1993 (Act 29 of 1993), of a meeting to be held at the Chapel, Windhoek Central Hospital Basement, Ministry of Health and Social Services, Windhoek on Wednesday, 19 April 2000 at 14h00, to be attended by the representatives of the Allied Health Services Professions appointed in terms of the provisions of paragraph 2 of Government Notice 159 of 1994 for the purpose of electing three persons registered under the provisions of the Allied Health Services Professions Act, 1993 (Act 20 of 1993), for appointment as members of the Council for Health and Social Services Professions in terms of the provisions of section 5(1)(g) of the Council for Health and Social Services Professions Act, 1993.

E. BARLOW**REGISTRAR:****COUNCIL FOR HEALTH AND
SOCIAL SERVICES PROFESSIONS**

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 88

2000

ALLIED HEALTH SERVICES PROFESSIONS ACT, 1993: CONSTITUTION OF THE CLINICAL PSYCHOLOGY BOARD

The Secretary of the Clinical Psychology Board, in terms of Section 5(5) of the Allied Health Services Professions Act, 1993 (Act 20 of 1993), hereby gives notice that the following persons have been duly elected as members of the Clinical Psychology Board in terms of Section 5(2) of that Act and such members should hold office for a period of 3 years in terms of Section 5(4) of that Act as from 1 February 2000.

H.A. Raath (Dr)

- President

S. Whittaker (Dr) - Vice-President
G.D. Kober (Dr) - Treasurer
J. Rieckert (Dr) - Secretary
A. Mouton-Kotze (Ms)

J. RIECKERT
SECRETARY:
CLINICAL PSYCHOLOGY BOARD

MINISTRY OF ENVIRONMENT AND TOURISM

No. 89

2000

**ACCOMMODATION ESTABLISHMENTS AND TOURISM
ORDINANCE, 1973: AMENDMENT OF REGULATIONS**

The Minister of Environment and Tourism has under section 56 of the Accommodation Establishments and Tourism Ordinance, 1973 (Ordinance No. 20 of 1973), made the regulations set out in the Schedule.

SCHEDULE

Definition

1. In these regulations "the Regulations" means the regulations promulgated under Government Notice No. 75 of 18 April 1974, as amended by Government Notices Nos. 119 of 1 July 1974, 130 of 2 June 1975, 315 of 15 September 1977 and 24 of 25 January 2000.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is amended -
- (a) by the insertion after the definition of "bedroom with bathroom" of the following definition:
- "bedroom with shower" means a unit comprising a bedroom and a shower with toilet facilities, and for the purposes of this definition two units each comprising a bedroom with shower but without toilet facilities shall be regarded as one bedroom with shower;"; and
- (b) by the substitution for the definition of -
- (i) "backpackers accommodation" of the following definition:
- "backpackers accommodation" means any premises on which accommodation is provided against payment to backpackers;"; and
- (ii) "bedroom with bathroom" of the following definition:
- "bedroom with bathroom" means a unit comprising a bedroom and a bathroom with toilet facilities, and for the purposes of this definition, two units each comprising a bedroom and a bathroom but without toilet facilities shall be regarded as one bedroom with bathroom;".

Substitution of Schedule II to the Regulations

3. The Regulations are amended by the substitution for Schedule II to the

Regulations of the following Schedule:

"SCHEDULE II**MINIMUM GRADING REQUIREMENTS**

	Five-star	Four-star	Three-star	Two-star	One-star
A. Sleeping Accommodation for guests	5% suites or bed-sitting rooms or mixed and balance to 80% bedrooms with bath-rooms and balance bedrooms with showers.	100% bedrooms with bathrooms or 60% bedrooms with bathrooms and balance bedrooms with showers.	75% bedrooms with bathrooms or 50% bedrooms with bathrooms and balance to 75% bedrooms with showers and balance ordinary bedrooms.	50% bedrooms with bathrooms or 25% bedrooms with bathrooms and balance to 50% bedrooms with showers and balance ordinary bedrooms.	25% bedrooms with bathrooms or 10% bedrooms with bathrooms and balance to 25% bedrooms with showers and balance ordinary bedrooms.
		Tolerance factor 1	Tolerance factor 2(a)	Tolerance factor 2(a)	Tolerance factor 2(a) or 2(b)
B. Airconditioning and heating	In all bedrooms and public rooms	In all bedrooms and diningrooms	Heating in all bedrooms and public rooms	Heating in all bedrooms on request.	—
	Tolerance factor 3	Tolerance factor 3	Tolerance factor 3	Tolerance factor 3	—
C. Radio Service	Three-channel in every bedroom.	Three-channel in every bedroom.	Three-channel in every bedroom.	—	—
	Tolerance factor 4	Tolerance factor 4	Tolerance factor 4	—	—
D. Telephone	In every bedroom for internal and external calls 24 hours per day	In every bedroom for internal and external calls 24 hours per day	In every bedroom for internal and external calls.	Available on premises for external calls	Available on premises for external calls
	Tolerance factor 5	Tolerance factor 5	Tolerance factor 5	—	—
E. Valet Service	Available on premises 7:00 to 22:00	Available on premises 7:00 to 20:00	Available on premises	—	—

F. Floor covering	All bedrooms lounges and other public areas tiled with ceramic, marble or wooden tiles or carpeted wall to wall Tolerance factor 6	All bedrooms with bath rooms and bedrooms with showers tiled with ceramic, marble or wooden tiles or carpeted wall to wall Tolerance factor 6	All bedrooms with bath rooms and bedrooms with showers tiled with ceramic, marble or wooden tiles or carpeted wall to wall Tolerance factor 6	- -	- -
G. Ratio of communal bathrooms and lavatories to beds in ordinary bedrooms	- -	1:4 Tolerance factor 7(a)	1:6 Tolerance factor 7(a)	1:7 Tolerance factor 7(a)	1:8 or 1:12 in the case of an hotel for which an hotel liquor licence is not held and which was erected or in the course of construction prior to 2 December 1968 Tolerance factor 7(a) or 7(b)
H. Dining-rooms or Restaurants	Two which are open every day to the public for serving a'la carte luncheons and dinners, and at least one of which is open until 00:00 Tolerance factor 3	One which is open every day to the public for serving a'la carte luncheons and dinners, and which is open until 23:00 Tolerance factor 3	One which is open every day to the public for serving a'la carte luncheons and dinners Tolerance factor 3	one -	one -
I. Head chef and head waiter	One head chef and one head waiter in full-time employment	One head chef and one head waiter in full-time employment	One cook and one waiter in full-time employment Not applicable to a hotel which does not hold an on consumption licence	One cook and one waiter in full-time employment Not applicable to a hotel which does not hold an on consumption licence	One cook and one waiter in full-time employment Not applicable to a hotel which does not hold an on consumption licence

J. Floor Service	Available - (a) for service of full meals in bedrooms 7:00 to 00:00 (b) 24 hours per day for service of light refreshments	Available - (a) for service of full meals in bedrooms 7:00 to 21:00 (b) 24 hours per day for service of light refreshments	Available 18 hours per day for service of light refreshment	Available - (a) 16 hours per day for service of light refreshments; (b) 14 hours per day for service of light refreshments in an hotel in respect of which an hotel liquor licence is not held	Available - (a) 16 hours per day for service of light refreshments; (b) 14 hours per day for service of light refreshments in an hotel in respect of which an hotel liquor licence is not held
K. Permanent function rooms	Two, excluding lounges and dining-rooms	Two, excluding lounges and dining-rooms	One, excluding lounges and dining-rooms	-	-
L. Reception office service	Full-time reception service 24 hours per day	Member of personnel 24 hours per day	Member of personnel 24 hours per day	Member of personnel 14 hours per day Thereafter member of personnel who can be summoned by means of a bell at the counter of the reception office and at the main entrance	Member of personnel who can be summoned by means of a bell at the counter of the reception office and at the main entrance
M. Lifts	One separate for luggage and personnel and one for guests, if building is more than two floors high	One separate for luggage and personnel and one for guests, if building is more than two floors high	One if building is more than two floors high	One if building is more than three floors high	One if building is more than three floors high
N. Furniture and equipment, kitchen utensils, cutlery, glassware, crockery, bedding, linen, curtain, carpets, rugs and other floor covering	Best quality throughout	Outstanding quality throughout	Outstanding quality throughout	Good quality throughout	Good quality throughout

O. Hair dressing salon	Full-time on premises for both sexes Tolerance factor 8	Full-time on premises for females Tolerance factor 8	-	-	-
P. Transport	Available for guests	Available for guests	Available for guests	-	-
Q. Secretarial service	Arrangements to be made by hotel management	Arrangements to be made by hotel management	-	-	-

Amendment of Schedule IV to the Regulations

4. Schedule IV to the Regulations is amended by the substitution for item 1.1 (a) of the following item:

“UNITS

	Bedrooms with bathrooms	Bedrooms with showers	Ordinary Bedrooms
	Points	Points	Points
1.1 Bathroom and Toilet facilities (100)			
(a) Percentage of units to total number of bedrooms (N.B. 1 suite = 1 bedroom)			
0 - 10 per cent	0 - 10	0 - 8	0 - 4
11 - 20 per cent	11 - 20	9 - 16	5 - 8
21 - 30 per cent	21 - 30	17 - 24	9 - 12
31 - 40 per cent	31 - 40	25 - 32	13 - 16
41 - 50 per cent	41 - 50	33 - 40	17 - 20
51 - 60 per cent	51 - 60	41 - 48	21 - 24
61 - 70 per cent	61 - 70	49 - 56	25 - 28
71 - 80 per cent	71 - 80	57 - 64	29 - 32
81 - 90 per cent	81 - 90	65 - 72	33 - 36
91 - 100 per cent	91 - 100	73 - 80	37 - 40
Maximum points	100	80	40.”

General Notices

No. 45

2000

WINDHOEK AMENDMENT SCHEME NO. 43

Notice is hereby given in terms of section 23 of the Town Planning Ordinance 1954, (Ordinance 18 of 1954), as amended, that the **Windhoek Amendment Scheme No. 43** has been submitted to the Minister of Regional and Local Government and Housing for approval.

Copies of the Windhoek Amendment Scheme No. 43 and the maps, plans, documents and other relevant matters are lying for inspection during office hours at the Windhoek

Municipality and also at the Namibia Planning Advisory Board, Ministry of Regional and Local Government and Housing, 2nd Floor, Room 241, Windhoek.

Any person who wishes to object to the approval of the Town Planning Scheme should lodge objections in writing to the Secretary, Namibia Planning Advisory Board (NAMPAB), Private Bag 13289, Windhoek on or before 2 May 2000.

No. 46

2000

CLOSURE OF PORTION Z (STREET), SONARA

Notice is hereby given in terms of Section 50(1) of the Local Authorities Act 5 of 1992 (Act 23 of 1992), that the Village Council of Aranos proposes to close permanently a portion of the Remainder of Portion 9 of the Farm Aranos Townlands No. 167 (Street) as indicated on plan W/98750-1 which lies for inspection during office hours at the offices of the Aranos Village Council.

**CLOSURE OF PORTION Z (STREET), A PORTION OF THE REMAINDER OF
PORTION 9 OF THE FARM ARANOS TOWNLANDS NO. 167,
SONARA (ARANOS)**

Objections to the proposed closing are to be served on the Village Secretary, Village Council of Aranos; P O Box 157, Aranos, within 14 days after the appearance of this notice in accordance with Section 50(3) of the Local Authorities Act of 1992, (Act 23 of 1992).

**MR. N.P. GORASEB
VILLAGE SECRETARY
ARANOS VILLAGE COUNCIL**

No. 47

2000

**PERMANENT CLOSURE OF ERF 130 (PUBLIC OPEN SPACE)
SONARA, ARANOS**

Notice is hereby given in terms of article 50(1) of the Local Authorities Act of 1992 (Act 23 of 1992), that the Village Council of Aranos proposes to close permanently the undermentioned erf as indicated on plan W/98750/1 which lies for inspection during office hours at the office of the Village Secretary, Village Council Offices, Aranos.

**PERMANENT CLOSURE OF ERF 130
(PUBLIC OPEN SPACE) SONARA, ARANOS**

Objections to the permanent closing are to be served on the Village Secretary, Village Council of Aranos, P O Box 157, Aranos, and/or Stubenrauch Planning Consultant cc, P O Box 11869, Windhoek, within 14 days after the appearance of this notice in accordance with Article 50(3) of the above Act.

**MR. N.P. GORASEB
VILLAGE SECRETARY
ARANOS VILLAGE COUNCIL**

MUNICIPALITY OF KARASBURG

No. 48

2000

AMENDMENT OF WATER SUPPLY REGULATIONS

The Council of the Municipality of Karasburg under section 30(1)(u) of the Local

Authorities Act, 1992 (Act 23 of 1992) further amends the water supply regulations promulgated under Government Notice 267 of 1997 as set out in the Schedule.

SCHEDULE

Schedule B is hereby amended:

By the substitution in item 2 for the amount "N\$4.07 of the amount N\$4.88".

BY ORDER OF THE COUNCIL

**COUNCILLOR
W.H. CLOETE
CHAIRPERSON OF COUNCIL**

Karasburg, 23 February 2000

MUNICIPALITY OF MARIENTAL

No. 49

2000

NOTICE OF VACANCY IN THE MEMBERSHIP OF THE MUNICIPAL COUNCIL OF MARIENTAL

In terms of Section 13(2) of the Local Authorities Act, 1992 (Act 23 of 1992), notice is hereby given that Councillor Paul Nghiwilepo resigned on 18 February 2000.

Notice is further given to SWAPO of Namibia to nominate a member to the Municipal Council of Mariental within three months from the date of publication of this notice.

**H.P. MEYER
ACTING TOWN CLERK
P O Box 110
Mariental**

MUNICIPALITY OF OUTJO

No. 50

2000

AMENDMENT OF WATER SUPPLY REGULATIONS

The Council of the Municipality of Outjo under Section 30(1)(u) of the Local Authorities Act, 1992 (Act 23 of 1992), further amends the Water Supply Regulations promulgated under Government Notice 16 of 1974 as set out in the Schedule.

SCHEDULE

Annexure A is hereby amended:

(a) By the substitution for item 1 of the following item:

"1. SUPPLY OF WATER:

- (a) A basic monthly charge of N\$12.00 is payable on every property where a meter other than a prepaid meter is installed or where any such property, with or without improvements, can reasonably be connected to the council's main water supply line.
- (b) Industrial water, where a meter other than a prepaid meter is installed, per kilolitre supplied N\$1.30
- (c) Industrial water, where a prepaid meter is installed, per kilolitre supplied N\$4.50

- (d) Other water, where a meter other than a prepaid meter is installed, per kilolitre supplied N\$1.60
- (e) Other water, where a prepaid meter is installed, per kilolitre . N\$5.30
- (f) Charges which become due in terms of subparagraphs (a), (b), (c), (d) and (e) are payable on or before the fifteenth day of the month following the month during which the water was supplied.”

BY ORDER OF THE COUNCIL

S.S. LUIPERTH
CHAIRPERSON OF THE COUNCIL

Outjo, 13 December 1999

MUNICIPALITY OF HENTIES BAY

No. 51

2000

TOWN HALL REGULATIONS

The Council of the Municipality of Henties Bay has under and, by virtue of Section 94(1)(ae) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended, made the regulations as set out in the Schedule.

BY ORDER OF THE COUNCIL

A.J. DAMES
CHAIRPERSON OF THE COUNCIL

SCHEDULE

1. In these regulations, unless inconsistent with the context -
 - (i) “caretaker” means the person holding office as town hall caretaker with the Council or any person lawfully acting on his behalf (iv);
 - (ii) “Council” means the Council of the Municipality of Henties Bay.
 - (iii) “day” means the time from 06h00 until 18h00 and “by day” has a corresponding meaning (i);
 - (iv) “Lessee” means any person who has received written approval from the Council to use the town hall or any person lawfully acting on the lessee’s behalf (ii);
 - (v) “night” means the time from 18h00 until 06h00 and “by night” has a corresponding meaning (ii);
 - (vi) “town clerk” means the person holding office as town clerk with the Council or any person lawfully acting on his behalf (vi)
2. “(1) The town hall may be leased from the Council for any of the purposes for which a tariff has been prescribed by special resolution and in cases where no tariff has been prescribed the Council may let the town hall at tariffs to be fixed at the time.”
 - (2) Notwithstanding the fact that specific tariffs for the lease of the town hall are prescribed, the Council reserves the right to refuse any application for letting without giving reasons for such refusal.
 - (3) The Council shall, under no circumstances, let the town hall for any purposes which are in conflict with the provisions of the Lord’s Day Observance Proclamation, 1921 (Proclamation 54 of 1921) or any other law.
 - (4) The Council may, as the case may

be, impose any further conditions in addition to the provisions of these regulations whenever he approves an application for the lease of the town hall.

3. (1) Any person wishing to lease the town hall or any part thereof from the Council shall apply therefor in writing in the form prescribed in Annexure A hereto and the prescribed fees shall accompany such application. Verbal applications shall only be accepted by the Council on condition that it be confirmed within seven days after such verbal application by a written application in the prescribed manner, accompanied by the prescribed fees.
- (2) Advance bookings of the town hall will be accepted by the Council in respect of a date up to six months in advance on condition that the applicable prescribed fees shall accompany such application.
- (3) No booking of the town hall shall be considered approved until the council's written confirmation thereto has been received.
- (4) Where a booking of the town hall has been confirmed by the council and such booking is cancelled by the lessee;
 - (a) the Council shall retain 25% of the rental where the booking is cancelled with at least thirty days' notice;
 - (b) the Council shall retain all the rental where the booking is cancelled with less than thirty days notice and the town hall is not let for the same purpose on that day;
 - (c) the Council shall repay the deposit in full unless the Council has to incur specific expenditure to purchase equipment for such letting in which case the Council shall utilise the deposit to cover the expenses and if the deposit is not sufficient to cover the Council's expenses the Council may recover the shortfall from the rental.
- (5) The Council may terminate any approved letting of the town hall forthwith in writing if the lessee violates

the regulations or if the Council is of opinion that a performance is not in the public interest.

- (6) All applications to lease the town hall will be considered in the sequence of date in which they were received.

“(7) The cloakrooms shall be let only to persons who present dramatic performances, concerts and similar functions.”

- (8) A lessee may not sublet the town hall or any part thereof.

4. (1) The deposit that is paid shall be utilised by the Council for replacement or repair of any damages or losses which the Council may suffer as a result of the letting of the town hall.

Where the town hall has at any time already leased and a second lessee leases the town hall any time following so shortly before or after the lease that it will result in work being done outside normal working hours to prepare the town hall for either the first or the second lessee's use, an amount of N\$20-00 additional to the normal tariffs prescribed shall be payable by the second lessee to cover the costs of such work outside normal hours. This additional amount of N\$20-00 will be recovered from the deposit paid.

- (2) If the deposit which was paid is not sufficient to cover the damages or losses the lessee shall remain responsible to the Council for any extra amount needed.
5. (1) The Council accepts no responsibility for any damages or loss to any property, article or thing which the lessee or any other person may bring to leave on the town hall grounds or in the town hall.
- (2) If the Council suffers any

- damage on account of any claims or actions instituted by any person on the ground of any damage or loss resulting from the lease of the town hall, the Council may recover such damage or loss from the lessee.
6. (1) A grand piano is made available for approved purposes when the main hall of the town hall is let and no other piano may be used unless the Council's written approval thereto has been obtained.
- (2) Only the cooking apparatus provided by the Council may be used by the lessee and such cooking apparatus shall only be used under supervision of the caretaker unless otherwise approved.
- (3) The moving of any furniture from the town hall or from one hall or place to another hall or place may be undertaken only with the approval of an under supervision of the caretaker.
7. (1) No extra or special lighting may be installed without the approval of the Council and where such approval is granted it shall be done on condition that such extra or special lighting shall be installed under supervision of the town electrical engineer of the Council.
- (2) All lighting and other electrical appliances shall be handled by the caretaker unless the Council has approved the handling thereof by some other person.
- (3) The Council accepts no responsibility for any damage or loss a lessee may experience as a result of a power failure or as a result of defective machinery, appliances or installations for lighting of the town hall however caused.
8. (1) The lessee shall at the start of his lease satisfy himself that all furniture and equipment included in his lease are complete, intact and in working order.
- (2) All furniture or equipment found defective by the lessee at the start of the lease shall be reported to the caretaker who shall make an inspection thereof, make a list thereof and have the lessee sign such list.
- (3) Where a lessee neglects to report such defective furniture or equipment to the caretaker at the start of his lease it will be assumed that such furniture or equipment was intact and in working order and the lessee shall be held responsible for the repair or replacement costs of such defective furniture or equipment found at the termination of his lease.
- (4) At the termination of the lease a joint inspection of the town hall, furniture and equipment shall be made by the lessee and the caretaker to ascertain whether any damage has occurred or whether there are any shortages and the lessee shall be held responsible for the repair of such damage and the making good of such shortages.
9. It shall be the duty of the lessee to ensure that
- (a) the town hall is used for the purposes for which it has been leased;
- (b) no intoxicating liquor except as approved by the Council is brought into or used in the town hall;
- (c) admittance to the town hall is limited to the maximum admissible number of persons to whom seating can be given without providing extra seats and without allowing persons to sit or stand in the aisles;
- (d) all arrangements are made in connection with the admission of the public, the provision of usherettes and the maintenance of law and order;
- (e) proper supervision takes place at any performance.
10. (1) No placards or related advertisements shall be allowed on the town hall

grounds or in the town hall without the approval of the town clerk, DURATION OF FUNCTION FROM UNTIL

- (2) No mural decorations of any kind shall be allowed and no interior decorations, flags, emblems or related things shall be allowed without the approval of the town clerk. I/We undertake to inspect the furniture and equipment leased in the presence of the caretaker to establish whether any damages or defects exist and I/We declare herewith that I/We assume full responsibility for any damage which may occur while the furniture and equipment are leased by me/us.
11. Any authorised employee of the Council may enter the town hall during a performance in order to determine whether the town hall is being used for the purpose for which it was leased. I/We undertake to comply with the provisions of the Town Hall Regulations and to abide with any instructions given by the caretaker in the execution of his duties.
12. Should it be found during an inspection that the lessee violates any provision of these regulations or uses the town hall for purposes other than those approved, the Council shall have the right to cancel the lease forthwith and on such cancellation the lessee shall forfeit all moneys paid by him. I/We undertake to pay any shortfall on the deposit paid for the use of the town hall or equipment to the Council if such extra amount is needed to replace or repair any furniture or equipment which have been damaged during my/our lease thereof,
13. Any person who contravenes any provision of these regulations or who obstructs the caretaker in the execution of his duties, shall be guilty of an offence. I/We undertake to compensate the Council for any damage which the Council may suffer on account of any claims or actions instituted by any person on the grounds of any damages or losses resulting from the lease of the town hall by me/us.
14. The Council may delegate any of its powers in terms of these regulations to the town clerk. I/We undertake to vacate the town hall at on the date my/our lease expires.
15. Government Notice 29 of 1967 as amended is hereby repealed. I/We admit that I/We are conversant with the contents of this application and the Town Hall Regulations and that I/We understand it.

ANNEXURE A.

APPLICATION FOR THE LEASE OF THE TOWN HALL

NAME OF APPLICANT

APPLICANT RESPONSIBLE PERSON

ADDRESS TEL NO

DATE

NAME AND ADDRESS OF RESPONSIBLE PERSON DURING PERIOD OF LEASE

(For office use only)

REQUIRE MAIN HALL/SIDE/HALL/KITCHEN/BAR/CLOAKROOMS/CELLAR. (Delete items not required),

Rental : N\$ Deposit N\$ Receipt No Date : Application approved/not approved.

NATURE OF FUNCTION

TOWN CLERK

DATE ON WHICH REQUIRED

MUNICIPALITY OF GROOTFONTEIN

No. 52

2000

OUTDOOR ADVERTISING REGULATIONS

The Council of the Municipality of Grootfontein, after consultation with the Minister, has under section 94(1)(ae) of the Local Authorities Act, 1992 (Act 23 of 1992) -

- (a) made the regulations set out in the schedule.

SCHEDULE**OUTDOOR ADVERTISEMENT REGULATIONS****ARRANGEMENT OF REGULATIONS**

1. Definitions
2. Advertisements on Council property, streets and public places other property
3. Advertisements on other property
4. Authorised advertisements
5. Prohibited advertisements
6. Conditions applicable to advertisements
7. Powers of Council
8. Reconsideration of decisions
9. Offences and penalties
10. Savings

Definitions

1. In these regulations a word or expression to which a meaning has been given in the Local Authorities Act, 1992 (Act 23 of 1992) shall bear that meaning and, unless the context otherwise indicates -

“Act” means the Local Authorities Act, 1992 (Act 23 of 1992);

“advertisement” means any written, graphic or pictorial representation of information which is erected, or displayed at any place for the purpose conveying information about the existence of a product, service, event, place or anything of interest to any person but does not include a road traffic sign;

“advertisement hoarding” means any structure which is used or is intended to be used for the purpose of posting, exhibiting or displaying an advertisement;

“aerial advertisement” means any advertisement which is exhibited, displayed or performed in the air by any means;

“Council” means the Municipal Council of Grootfontein which is constituted under section 6 of the Act and includes any officer or employee of the Council on whom the Council has delegated or assigned any power, function or duty which is to be executed or performed under these regulations;

“Council area” means the local authority area of the Municipal Council of Grootfontein;

“erf ” means an erf as defined in section 1 of the Townships and Division of Land Ordinance 1963 (Ordinance 11 of 1963)

“repealed regulation” means Regulation 30 of the Street and Traffic Regulations promulgated by Government Notice 304 of 1951;

“road traffic sign” means a road traffic sign as defined in section 1 of the Road Traffic Ordinance, 1967 (Ordinance 30 of 1967);

“scheme” means the Grootfontein Town Planning Scheme prepared under section 16 of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954); and

“subdivision” means a subdivision as defined in section 1 of the Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963).

Advertisements on Council property, streets and public spaces

2. (1) No person shall erect or display an advertisement on Council property, a street or a public place situated in the Council area, unless, he or she has been given written authority to do so by the Council.

(2) A person who wishes to apply for authority to erect or display an advertisement on Council property, a street or a public place situated in the Council area shall complete the form approved by the Council and shall submit it to the Council.

(3) An application under subregulation (2) shall, unless the Council otherwise determines, be accompanied by -

(a) a plan of the site on which the advertisement is to be erected or displayed and the plan must -

(i) be drawn to a scale of not less than 1:500;

(ii) show the position of each surrounding building on the site and the position of any Council water, sewerage, stormwater drainage, electricity installation or any other installation situated on the site; and

(iii) show the dimensional position of the advertisement in relation to the boundaries of the site;

(b) a drawing of the proposed advertisement and the drawing must -

(i) show the information that will be displayed on the advertisement as well as the colour of the proposed advertisement; and

(ii) be drawn to scale of not less than 1:10;

(c) a photograph of the site where the advertisement is to be erected or displayed and the proposed position of the advertisement must be shown on the photograph;

(d) in the case of an advertisement which is to remain on the site for more than 60 days, a certificate from a person registered under the Engineering Profession Act, 1986 (Act 18 of 1986) and the certificate must indicate that the proposed advertisement when erected or displayed, will not be dangerous to any person or property; and

(4) On receipt of an application made under subregulation (2) the Council may -

(a) allow the application without imposing any condition;

- (b) refuse the application and supply to the applicant written reasons for the refusal; or
- (c) allow the application and impose conditions, including conditions which restrict the period within which the advertisement can be erected or displayed, which are necessary and reasonable in the circumstances.

(5) Unless an application has been refused under subregulation (4)(b), the Council, may retain any document which is submitted to it by a person making an application under this regulation.

(6) Unless authorised by the Council, no person shall move, remove or alter an advertisement which was erected or displayed under the regulation, but the owner of that advertisement or a person authorised by him or her, may, for the purpose of maintaining or renovating that advertisement, move, remove or alter it.

(7) Where an advertisement erected or displayed under this regulation is in a state of disrepair, is not being properly maintained or is erected or displayed in contravention of a condition imposed under this regulation, the Council may -

- (a) withdraw or amend the authority to erect or display that advertisement and advise the owner of that advertisement about the withdrawal or amendment in writing;
- (b) in writing, instruct the owner of that advertisement to repair or maintain that advertisement or to comply with any condition within a specified period; or
- (c) if the owner of the advertisement fails to comply with an instruction given under paragraph (b), repair or maintain the advertisement or do any act to ensure compliance with the condition and thereafter recover any costs incurred from the owner of the advertisement.

(8) Notwithstanding subregulation (7), and when it is reasonable and necessary, the Council may in respect of an advertisement erected or displayed under this regulation -

- (a) after giving 30 days written notice to the owner of that advertisement, withdraw the authority to erect or display that advertisement;
- (b) after giving 30 days written notice to the owner of that advertisement, amend or remove a condition which was imposed when the authority to erect or display was granted; or
- (c) after giving 30 days written notice to the owner of that advertisement, impose a new condition for the erection or display of that advertisement.

Advertisements on other property

3. (1) Subject to regulation 2 and 4, no person shall, in the Council area, erect or display an advertisement or any place, unless he or she has been authorised by the Council in writing, to erect or display that advertisement.

(2) A person who wishes to obtain the written authority contemplated in subregulation 91 shall, subject to necessary changes, comply with the procedures laid down in regulation 2 and any authority granted by the Council shall be granted and used in accordance with that regulation.

Authorised advertisements

4. (1) Notwithstanding regulation 3, a person may erect or display an advertisement at any place other than the places referred to in regulation 2 if -

- (a) that advertisement falls under subregulation (2);
 - (b) that advertisement is not prohibited by regulation 5;
 - (c) that advertisement complies with regulation 6; and
 - (d) the owner of the property on which that advertisement is to be erected or displayed has consented in writing to the erection or display of that advertisement.
- (2) Subject to subregulation (1), a person does not require Council's authority before he or she can erect or display any of the following advertisements -
- (a) an aerial advertisement as long as the advertisement does not cause environmental pollution or produce excessive noise;
 - (b) an advertisement showing the street number of a place or an advertisement showing the name and address of the occupant or owner of a place as long as that advertisement does not exceed half a square meter in area;
 - (c) in an area zoned as residential in the scheme, an advertisement showing the name, logo, address and telephone number of -
 - (i) a resident occupation referred to in the scheme;
 - (ii) a person to whom under the scheme, consent use has been given by the Council;
 - (iii) a person who has been engaged to give security services at the place or a neighbourhood watch body; or
 - (iv) a person who at the place, is doing an activity which has been approved in writing by the Council,can be erected or displayed as long as the advertisement does not exceed one square metre in area and only one advertisement is erected or displayed on each erf, farm portion or subdivision;
 - (d) in an area zoned residential 2, residential 3 or undetermined and which is predominantly used or is intended to be used for residential purposes under the scheme, an advertisement showing the name, logo, address and telephone number of -
 - (i) a resident occupation referred to in the scheme;
 - (ii) a person to whom under the scheme, consent use has been given by the Council;
 - (iii) a person who has been engaged to give security services at the place or a neighbourhood watch body; or
 - (iv) a person who at the place, is doing an activity which has been approved in writing by the Council,can be erected or displayed as long as the advertisement erected or displayed on each erf, farm portion or subdivision does not exceed two square metres in area,, and unless the person concerned is engaged to give security services at the place or is a neighbourhood watch body, only one advertisement is erected or displayed on each erf, farm portion or subdivision;
 - (e) in an area zoned as business, restricted business, garage, industrial or special

under the scheme, and where business is the primary use as defined in the scheme, any advertisement can be erected or displayed as long as the height of that advertisement does not exceed five metres above the natural ground level and the advertisement does not go above the roof level of any building which is situated in that area;

- (f) in an area zoned as office or special under the scheme, and where business is not the primary use as defined in the scheme, any advertisement can be erected or displayed as long as the height of that advertisement does not go above the roof level of any building which is situated in that area and the area of that advertisement does not exceed two square metres;
- (g) in an area zoned as office or special under the scheme, and where business is not the primary use as defined in the scheme, any advertisement can be erected or displayed as long as the height of that advertisement does not go above the roof level of any building which is situated in that area and the area of that advertisement does not exceed two square metres;
- (h) in an area reserved as private open space under the scheme, any advertisement can be erected or displayed as long as the height of that advertisement does not go above the roof level of any building which is situated in that area and the area of that advertisement does not exceed ten square metres;
- (i) where construction is taking place, an advertisement, can be erected or displayed for the duration of the construction and that advertisement shall -
 - (i) show the name and particulars of the person carrying out the construction;
 - (ii) show the name and particulars of the person on whose behalf the construction is being carried out; and
 - (iii) not exceed ten square metres in area;
- (j) an advertisement can be erected or displayed for the duration of the construction and that advertisement shall -
 - (i) is erected or displayed at the residence or office of the candidate;
 - (ii) is erected or displayed for the duration of the election; and
 - (iii) does not exceed ten square metres in area;
- (k) an advertisement which is erected or displayed in the interior of a building as long as that advertisement is not visible from a street or public place;
- (l) a handbill, leaflet or an advertisement which is contained in a book, newspaper or pamphlet as long as the distributor does not litter any place which is situated within the Council area; or
- (m) an advertisement which is affixed to a person or vehicle, excluding a vehicle which is used exclusively for the purposes of advertising or erecting or displaying an advertisement, as long as that advertisement does not disrupt the movement of people or traffic.

Prohibited advertisements

- 5. No person, shall in the Council area, erect or display an advertisement -
 - (a) which obscures a road traffic sign;
 - (b) which contravenes any law which is applicable to Namibia;

- (c) which obstructs the flow of light or air into or out of a building or obstructs the movement of people into, within or out of a building unless the person concerned has obtained the consent of the owner or occupant of that building;
- (d) which obscures an advertisement which was lawfully erected or displayed by another person, unless that other person consents to the erection or display of that advertisement;
- (e) which is dangerous to any person or property;
- (f) which interferes with the enjoyment of the environment or obscures viewing of a place or thing which the Council may determine;
- (g) which obscures the viewing of a thing or place which has been declared a national monument in terms of section 10 of the National Monuments Act, 1969 (Act 28 of 1969) unless permission to erect or display that advertisement has been obtained from the National Monuments Council established under that Act; and
- (h) by affixing it to, or by placing it onto, a vehicle unless the owner of that vehicle consents to the erection or display of that advertisement onto the vehicle.

Conditions applicable to advertisements

6. (1) A person who, under these regulations, erects or displays an advertisement or causes an advertisement to be erected or displayed shall -

- (a) ensure that the advertisement is securely erected or displayed and that it does not cause damage to any property, animal, or plant;
- (b) not, on any place other than an advertisement hoarding or a structure approved by the Council, use water soluble adhesive, adhesive tape or other similar material to secure the advertisement;
- (c) take measures to prevent damage to that advertisement or its supporting structure by water;
- (d) ensure that electrical cables or conduct pipes which are connected to that advertisement are safe and covered in such a manner that they do not pose danger to any property, plant, animal or person;
- (e) comply with any law which governs the supply of electricity or the electrical wiring or premises in the Council area;
- (f) prior to connecting the advertisement to any electricity supply point, obtain the written permission of the Council; and
- (g) comply with any law which governs the construction of buildings in the Council area;

(2) The owner of property on which an advertisement is erected or displayed and the owner of any advertisement are both jointly and severally responsible for the maintenance and repair of that advertisement.

(3) A person who, whilst erecting, displaying or removing an advertisement, internationally causes damage to any plant, animal, property or Council service commits a crime and is liable on conviction to the penalties provided for in regulation 9.

Powers of Council

