

## BY-LAW

To provide for the regulation of the erection of aerial systems in the EMTHANJENI municipality; and for matters connected therewith.

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**BE IT ENACTED** by the Emthanjeni 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;

“**building**” includes –

- (a) any other structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with -
  - (i) the accommodation or convenience of human beings or animals;
  - (ii) the manufacture, processing, storage, display or sale of any goods;
  - (iii) the rendering of any service;
  - (iv) the destruction or treatment of refuse or other waste materials;
  - (v) the cultivation or growing of any plant or crop;
- (b) any wall, swimming bath, swimming pool, reservoir or bridge or any other structure connected therewith;
- (c) any fuel pump or any tank used in connection therewith;
- (d) any part of a building, including a building as defined in paragraph (a), (b) or (c);
- (e) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, stormwater disposal, electricity supply or other similar service in respect of the building;

“**dish aerial system**” means any concave device used or designed to receive satellite broadcasts; and

“**Municipality**” means the Emthanjeni municipality.

**Permission for certain antennae systems**

2. (1) No person may, without the prior written permission of the Municipality, and subject to the conditions determined in such permission, erect, cause or allow to be erected, an aerial system on any premises –
  - (a) that stands higher than 3 m from the ground, if not mounted on a building;
  - (b) that, if mounted on a building, projects more than 3 m above the highest point of that building;
  - (c) that is a dish aerial system with a diameter of more than 1 m.
- (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 thereunder, 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.

**Repeal of laws and savings**

4. (1) The following laws are hereby repealed:

**All previous by-laws with regard to this matter are hereby repealed.**

- (2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

**Short title**

5. This By-law shall be called the Aerial Systems By-law, 2008