



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$3.00

WINDHOEK - 15 September 1999

No. 2184

CONTENTS

GOVERNMENT NOTICES

Page

No.187	Building Societies Act, 1986: Approval of certain assets as liquid assets.....	2
No.188	Proposal that a road be declared a portion of district road 1112: District of Mariental: Hardap Region.....	2

GENERAL NOTICES

No.259	Namibian Communications Commission: Community radio rebroadcasting licence: Channel 7.....	3
No.260	Namibian Communications Commission: Application for renewal of a radio broadcasting licence: Katutura Community Radio	3
No.261	Namibian Communications Commission: Application for a radio broadcasting licence: Unam HIT Radio	4
No.262	Namibian Communications Commission: Application for a GMPCS service provider licence: Mobile Telecommunications Limited	4
No.263	Namibian Communications Commission: Application for a GMPCS service provider licence: Radiopage (Pty) Ltd	5
No.264	Namibian Communications Commission: Amendment of the national cellular telecommunications licence issued under the Namibian Communications Commission Act, 1992 (Act 4 of 1992) and the Namibian Communications Commission Amendment Act, 1995 (Act 1 of 1995)	6
No. 265	Otjiwarongo Amendment Scheme No. 5.....	6
No. 266	Mariental Amendment Scheme No. 6	6
No. 267	Municipality of Henties Bay: Amendment of general health regulations.....	7
No. 268	Municipality of Windhoek: Notice of vacancy in the membership of the Municipal Council of the Municipality of Windhoek	8
No. 269	Municipal Council of Windhoek: Amendment of health regulation tariffs.....	
No. 270	Municipality of Windhoek: Amendment of the amount of Dog Tax	8

No.271	City of Windhoek: Permanent closing of Portion 1 of the remainder of Erf 5644, Windhoek as street	9
No.272	City of Windhoek: Permanent closing of Portion 1 and 2 of Erf 7231, Mandume Ndemufayo Avenue and Portion A of Schinz Street	9
No.273	City of Windhoek: Permanent closing of Portion A of Gorges Street (Erf 1304), Klein Windhoek as street	10
No.274	City of Windhoek: Permanent closing of Portion A of public open space, Erf 7966, Katutura	10
No.275	City of Windhoek: Permanent closing of Portion 1 of public open space, Erf 2865, Katutura, Extension 4.....	11
No.276	City of Windhoek: Permanent closing of Portion A of public open space, Erf 7374, Windhoek	12
No.277	City of Windhoek: Permanent closing of Portion A of remainder of Erf 403, Eros Park as public open space.....	16
No.278	City of Windhoek: Permanent closing of Erf 1641, Extension 2, Otjomuise as public open space	12
No.279	Municipality of Windhoek: Outdoor advertising regulations.....	16

Government Notices

BANK OF NAMIBIA

No. 187

1999

BUILDING SOCIETIES ACT, 1986 (ACT NO. 2 of 1986) APPROVAL OF CERTAIN ASSETS AS LIQUID ASSETS

Under the powers vested in me by virtue of paragraph (k) of the definition of "liquid assets" as contained in section 1 of the Building Societies Act, 1986 (Act No. 2 of 1986), I hereby approve, for the purposes of the said definition, the assets mentioned in the Schedule.

R. W. LAWRENCE**REGISTRAR OF BUILDING SOCIETIES**

Windhoek, 18 May 1999

SCHEDULE

LIQUID ASSETS:

1. Stocks, securities, bills and bonds issued by the Government of Namibia, other than those mentioned in paragraph (e) of the definition of "liquid assets" as contained in section 1 of the Building Societies Act, 1986 (Act No. 2 of 1986).
2. Any other securities, bonds and bills fully guaranteed by the Government of Namibia which form part of a public issue.

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 188

1999

PROPOSAL THAT A ROAD BE DECLARED A PORTION OF DISTRICT ROAD

1112: DISTRICT OF MARIENTAL: HARDAP REGION

In terms of section 20(1) (b) of the Roads Ordinance, 1972 (Ordinance 17 of 1972), it is hereby made known that the Permanent Secretary: Works, Transport and Communication proposes that, in the district of Mariental, the road described in the Schedule and shown on sketch-map P2063 by the symbols A-B-C be declared a portion of district road 1112.

A copy of this notice and the said sketch-map on which the road to which the proposal refers and other proclaimed, minor and private roads in the area are shown, shall for the full period of 30 days, mentioned below, lie open to inspection at the offices of the Permanent Secretary: Works, Transport and Communication, Windhoek, and the Roads Superintendent, Mariental, during normal office hours.

Every person having any objection to the above-mentioned proposal is hereby commanded to lodge his or her objection in writing, with the grounds upon which it is based clearly and specifically therein stated, with the Chairperson of the Roads Board, Private Bag 12005, Ausspannplatz, within a period of 30 days from the date of publication of this notice.

SCHEDULE

From a point (A on sketch-map P2063) at the junction with farm road 1085 on the farm Kamagams 35 generally north-westwards across the said farm and the farm Uibis 34 to a point (B on sketch-map P2063) on the last-mentioned farm; thence generally westwards and more and more west-south-westwards to a point (C on sketch-map P2063) near the church on the last-mentioned farm.

General Notices

NAMIBIAN COMMUNICATIONS COMMISSION

No. 259

1999

COMMUNITY RADIO REBROADCASTING LICENCE

In accordance with Section 13 (2) and Section 17(4) of the Namibian Communications Act, 1992 (Act 4 of 1992), the following broadcaster has been granted a community radio rebroadcasting licence.

Name of Organization:	MEDIA FOR CHRIST
Name of Station:	CHANNEL 7
Coverage Area:	OSHAKATI AND RUNDU
Power ERP:	500 W
Contact Persons:	Mr. Jan Kruger: Deputy Director Mr. Barthos Hara-Gaeb: Chief Engineering Technician

Namibian Communications Commission Secretariat
Private Bag 13309
Windhoek
Telephone: 061 - 222666
Telefax: 061 - 222790

V. KANDETU
CHAIRMAN

NAMIBIAN COMMUNICATIONS COMMISSION

No. 260

1999

APPLICATION FOR RENEWAL OF A RADIO BROADCASTING LICENCE

In accordance with Sections 13(2) and 17(4) (a) of the Namibian Communications Act, 1992 (Act 4 of 1992), the following institution applied for the renewal of their community radio broadcasting licence.

Name of Organization: **KATUTURA COMMUNITY RADIO**

Name of Station: **KATUTURA COMMUNITY RADIO**

Coverage Area: **WINDHOEK**

Section 17(4)(b) of the said Act provides that "any person may within fourteen days of publication of a notice in terms of sub-section 17(4)(a), lodge with the Commission written representations opposing the issue of a broadcasting licence and such representations shall be taken into account when the Commission considers the application".

Contact Persons: Jan Kruger: Deputy Director
Barthos Hara-Gaeb: Chief Engineering Technician

Namibian Communications Commission Secretariat

Private Bag 13309

Windhoek

Telephone : 061-222666

Telefax : 061-222790

V. KANDETU
CHAIRMAN

NAMIBIAN COMMUNICATIONS COMMISSION

No. 261

1999

APPLICATION FOR A RADIO BROADCASTING LICENCE

In accordance with Sections 13(2) and 17(4)(a) of the Namibian Communications Act, 1992 (Act 4 of 1992), the following institution applied for a community radio broadcasting licence.

Name of Organization: **UNIVERSITY OF NAMIBIA**

Name of Station: **UNAM HIT RADIO**

Coverage Area: **WINDHOEK**

Section 17(4)(b) of the said Act provides that "any person may within fourteen days of publication of a notice in terms of sub-section 17(4)(a), lodge with the Commission written representations opposing the issue of a broadcasting licence and such representations shall be taken into account when the Commission considers the application".

Contact Persons: Mr Jan Kruger: Deputy Director

Mr. Barthos Hara-Gaeb: Chief Engineering Technician
Namibian Communications Commission Secretariat
Private Bag 13309
Windhoek
Telephone : 061-222666
Telefax : 061-222790

V. KANDETU
CHAIRMAN

NAMIBIAN COMMUNICATIONS COMMISSION

No. 262

1999

APPLICATION FOR A GMPCS SERVICE PROVIDER LICENCE

In accordance with Section 22 A (1)(b) of the Namibian Communications Commission Amendment Act, 1995, (Act 1 of 1995), the following Company applied for a GMPCS service provider licence for Iridium Africa Services Corporation;

Name of Organization: **MOBILE TELECOMMUNICATIONS Ltd.**

Coverage Area: **NAMIBIA**

The following correction is made to General Notice No. 212/1999 of Government Gazette No. 2168 dated 16 August 1999:

Section 22A (2)(b) of the said Act provides that "any person may within fourteen days of publication of a notice in terms of sub-section 22A(2)(a), lodge with the Commission written representations opposing the issue of the licence in question and such representations shall be taken into account when the Commission considers the application".

Contact Persons: Bartos Hara - Gaeb: Chief Engineering Technician
Johan Schutte: Control Officer

Namibian Communications Commission Secretariat
Private Bag 13309
Windhoek
Telephone : 061-222666
Telefax : 061-222790

V. KANDETU
CHAIRMAN

NAMIBIAN COMMUNICATIONS COMMISSION

No. 263

1999

APPLICATION FOR A GMPCS SERVICE PROVIDER LICENCE

In accordance with Section 22A (1)(b) of the Namibian Communications Commission Amendment Act, 1995, (Act 1 of 1995), the following Company applied for a GMPCS service provider licence for Iridium Africa Services Corporation;

Name of Organization: **RADIOPAGE (Pty) Ltd**

Coverage Area:

NAMIBIA

Section 22A (2)(b) of the said Act provides that "any person may within fourteen days of publication of a notice in terms of sub-section 22A(2) (a), lodge with the Commission written representations opposing the issue of the licence in question and such representations shall be taken into account when the Commission considers the application".

Contact Persons: Barthos Hara-Gaeb: Chief Engineering Technician
Johan Schutte: Control Officer

Namibian Communications Commission Secretariat
Private Bag 13309
Windhoek
Telephone : 061-222666
Telefax : 061-222790

V. KANDETU
CHAIRMAN

NAMIBIAN COMMUNICATIONS COMMISSION

No. 264

1999

**AMENDMENT OF THE NATIONAL CELLULAR TELECOMMUNICATIONS
LICENCE ISSUED UNDER THE NAMIBIAN COMMUNICATIONS
COMMISSION ACT, 1992 (ACT 4 OF 1992) AND THE NAMIBIAN
COMMUNICATIONS COMMISSION AMENDMENT ACT, 1995
(ACT 1 OF 1995)**

It is hereby made known for general information that the Namibian Communications Commission has under Section 22A of the Namibian Communications Commission Amendment Act, 1995 (Act 1 of 1995) amended Section 3 of the licence as follows;

LICENCE DETAILS

3.1 The licensee shall be obliged to use Leased Lines for-

- (a) all connections between the elements of its own PLMN;
- (b) interconnections between its PLMN elements and the PLMN elements of a similarly licenced person;
- (c) interconnection of its PLMN elements and the public switched telephone network of Telecom Namibia Ltd. unless authorized by the Commission to procure, construct or use its own links.

3.4 All international calls originating within or destined for the cellular network shall be routed via the Telecom Namibia Ltd. international exchange(s), unless authorized by the Commission to procure, construct or use its own international links.

Contact Persons: Bartos Hara - Gaeb: Chief Engineering Technician
Johan Schutte: Control Officer

Namibian Communications Commission Secretariat
Private Bag 13309
Windhoek
Telephone : 061-222666
Telefax : 061-222790

V. KANDETU
CHAIRMAN

No. 265

1999

OTJIWARONGO AMENDMENT SCHEME NO. 5

Notice is hereby given in terms of Section 23 of the Town Planning Ordinance 1954, (Ordinance 18 of 1954), as amended, that the Otjiwarongo Amendment Scheme No. 5 has been submitted to the Minister of Regional and Local Government and Housing for approval.

Copies of the Otjiwarongo Amendment Scheme No. 5 and the maps, plans, documents and other relevant matters are lying for inspection during office hours at the Otjiwarongo 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 1 November 1999.

No. 266

1999

MARIENTAL AMENDMENT SCHEME NO. 6

Notice is hereby given in terms of Section 23 of the Town Planning Ordinance 1954, (Ordinance 18 of 1954), as amended, that the Mariental Amendment Scheme No. 6 has been submitted to the Minister of Regional and Local Government and Housing for approval.

Copies of the Mariental Amendment Scheme No. 6 and the maps, plans, documents and other relevant matters are lying for inspection during office hours at the Mariental 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 1 November 1999.

MUNICIPALITY OF HENTIES BAY

No. 267

1999

AMENDMENT OF GENERAL HEALTH REGULATIONS

The Council of the Municipality of Henties Bay has under Section 30(1)(u) of the Local Authorities Act, 1992 (Act 23 of 1992) determined the tariff structure for business to apply for a certificate of Registration for the period 1 April 2000 to 31 March 2001 as set out in the Schedule:-

1. (a) **Formal trades or businesses:**

- (i) N\$120-00 per annum if expected turnover of trade/business is less than N\$50 000 per annum.
- (ii) N\$240-00 per annum if expected turnover of trade/business is more than N\$50 000 per annum.

(b) **Informal trades or business**

N\$10-00 per day per hawker, trader, peddler or vendor

- (c) **Home occupations**
N\$120-00 per annum

BY ORDER OF THE COUNCIL

A.J. DAMES
CHAIRPERSON OF THE COUNCIL

MUNICIPALITY OF WINDHOEK

No. 268

1999

**NOTICE OF VACANCY IN THE MEMBERSHIP OF THE MUNICIPAL
COUNCIL OF THE MUNICIPALITY OF WINDHOEK**

In terms of section 13(2) of the Local Authorities Act, 1992 (Act 23 of 1992), I hereby give notice that a vacancy in the membership of the Council of the Municipality of Windhoek has occurred as from 29 July 1999, the cause of the vacancy being the termination of the membership of Councillor II Gowaseb from the Democratic Turnhalle Alliance.

In terms of section 13(3)(a)(i) the Democratic Turnhalle Alliance is hereby given notice to nominate a member of the Council of the Municipality of Windhoek within three months from the date of publication of this notice.

V. HAILULU
CHIEF EXECUTIVE OFFICER

Windhoek, 2 August 1999

MUNICIPALITY OF WINDHOEK

No. 269

1999

AMENDMENT OF HEALTH REGULATION TARIFFS

The Council of the Municipality of Windhoek, under section 30(1)(u) of the Local Authorities Act, 1992 (Act 23 of 1992) hereby amends the fees, charges and moneys in respect of disposal of refuse at the Kupferberg Dumping Site, as set out in the Schedule.

Amendment of fees, charges and moneys payable in respect of the disposal of refuse at the Kupferberg Dumping Site.

SCHEDULE

That paragraph (j) of Schedule C to the Regulations be amended by the substitution - for the figures "N\$20.00" and "N\$30.00" of the figures "N\$25.00" and "N\$35.00".

BY ORDER OF THE COUNCIL

V.E. CRAIG
VICE-CHAIRPERSON OF THE COUNCIL

Windhoek, 30 August 1999

MUNICIPALITY OF WINDHOEK

No. 270

1999

AMENDMENT OF THE AMOUNT OF DOG TAX

The Council of the Municipality of Windhoek, under section 3 of the Dog Tax Ordinance, 1967 (Ordinance 13 of 1967) further amends the dog tax as set out in the Schedule.

SCHEDULE

AMOUNT OF DOG TAX

1. The annual tax for any dog or bitch in the Municipal area shall be N\$30.00
2. If a certificate by a registered veterinary surgeon can be produced as proof that a dog or bitch has been spayed, the annual tax for such dog or bitch shall be N\$15.00
3. The dog tax provided for in this Notice shall be effective from 1 January 2000.

BY ORDER OF THE COUNCIL

M.K. SHIKONGO

CHAIRPERSON OF THE COUNCIL

Windhoek, 25 August 1999

CITY OF WINDHOEK

No. 271

1999

PERMANENT CLOSING OF PORTION 1 OF THE REMAINDER OF ERF 5644, WINDHOEK AS STREET

Herewith please take notice that the Windhoek City Council intends to permanently close Portion 1 of the Remainder of Erf 5644, Windhoek, as indicated on plan P/069903/A, for consolidation with Erf 5647, Windhoek, for residential purposes, in terms of Section 50 (i) (C) of Local Authorities Act of 1992 (Act 23 of 1992). Plans of the proposed closure are available at the office of the Town Council at 49 Independence Avenue in Room 702. Any party who wishes to object to the proposed closure must lodge their objections in writing to the Secretary: Townships Board, Private Bag 13289, and the Chief Executive, P.O. Box 59, Windhoek.

V. HAILULU

CHIEF EXECUTIVE OFFICER

CITY OF WINDHOEK

No. 272

1999

PERMANENT CLOSING OF PORTIONS 1 AND 2 OF ERF 7231, MANDUME NDEMUFAYO AVENUE AND PORTION A OF SCHINZ STREET

Notice is hereby given in terms of Section 50(3)(a)(ii) of Local Authorities Act of 1992 (Act 23 of 1992) that the Municipality of Windhoek proposes to close permanently the undermentioned portions, as indicated on plan P/3701/A, which lies for inspection during office hours at the office of the Town Planner, Room 702, Municipal Offices, Independence Avenue.

PERMANENT CLOSING OF PORTION 1(±675m²) AND PORTION 2 (±596m²), of Erf 7231 (Mandume Ndemufayo Avenue) and Portion "A" OF SCHINZ STREET, AS INDICATED ON PLAN P/3701/A AS STREET.

Objections to proposed closing are to be served on the Secretary: Townships Board, Private Bag 13289, and the Chief Executive, P.O. Box 59, Windhoek, in accordance with Article 50 (1) (C) of the above Act.

M. SHIPANGA
ACTING CHIEF EXECUTIVE, WINDHOEK

CITY OF WINDHOEK

No. 273

1999

**PERMANENT CLOSING OF PORTION A OF GORGES STREET (ERF 1304),
KLEIN WINDHOEK AS STREET**

Herewith please take notice that the Windhoek City Council intends permanently closing Portion "A" of Gorges Street as street, for residential purposes in terms of Section 50 (3) of the Local Authorities Act of 1992 (Act 23 of 1992). Plan P/3801/A of the proposed closure is available at the office of the City Council at, 49 Independence Avenue in Room 702. Any party who wishes to object to the proposed closure must lodge their objections in writing to the Secretary: Townships Board, Private Bag 13289, and the Chief Executive, P.O. Box 59, Windhoek, within 14 days after the appearance of this notice in accordance with Section 50 (1) (C) of the above Act.

V. HAILULU
CHIEF EXECUTIVE OFFICER, WINDHOEK

CITY OF WINDHOEK

No. 274

1999

**PERMANENT CLOSING OF PORTION A OF PUBLIC OPEN SPACE, ERF 7966,
KATUTURA**

Herewith please take notice that the Windhoek City Council intends permanently closing Portion A of public open space, Erf 7966, Katutura, as indicated on plan P/3710/A, for consolidation with Erf 7805, Katutura, for residential purposes, in terms of section 50 of Local Authorities Act of 1992 (Act 23 of 1992). Plan P/3810/A of the proposed closure is available at the office of the City Council at 49 Independence Avenue in Room 702. Any party who wishes to object to the proposed closure must lodge their objection in writing to the Secretary: Townships Board, Private Bag 13289, and the Chief Executive, P.O. Box 59, Windhoek.

V. HAILULU
CHIEF EXECUTIVE OFFICER, WINDHOEK

CITY OF WINDHOEK

No. 275

1999

**PERMANENT CLOSING OF PORTION 1 OF PUBLIC OPEN SPACE, ERF 2865,
KATUTURA, EXTENSION 4**

Herewith please take notice that the Windhoek City Council intends permanently closing Portion 1 (19 729 m²) of public open space, Erf 2865, Katutura Extension 4, as indicated on plan P/3798/A, for residential purposes, in terms of section 50 of Local Authorities Act of 1992 (Act 23 of 1992). Plan P/3798/A of the proposed closure is available at the office of the City Council at 49 Independence Avenue in Room 702. Any party who wishes to object to the proposed closure must lodge their objection in writing to the Secretary: Townships Board, Private Bag 13289, and the Chief Executive, P.O. Box 59, Windhoek.

V. HAILULU
CHIEF EXECUTIVE OFFICER, WINDHOEK

CITY OF WINDHOEK

No. 276

1999

**PERMANENT CLOSING OF PORTION A OF PUBLIC OPEN SPACE, ERF 7374,
WINDHOEK**

Herewith please take notice that the Windhoek City Council intends permanently closing Portion A of public open space, Erf 7374, Windhoek, as indicated on plan P/3769/A, for consolidation with Erf 7328, Windhoek, for residential purposes, in terms of section 50 of Local Authorities Act of 1992 (Act 23 of 1992). Plan P/3769/A of the proposed closure is available at the office of the City Council at 49 Independence Avenue in Room 702. Any party who wishes to object to the proposed closure must lodge their objection in writing to the Secretary: Townships Board, Private Bag 13289, and the Chief Executive, P.O. Box 59, Windhoek.

V. HAILULU
CHIEF EXECUTIVE OFFICER, WINDHOEK

CITY OF WINDHOEK

No. 277

1999

**PERMANENT CLOSING OF PORTION A OF REMAINDER OF ERF 403, EROS
PARK AS PUBLIC OPEN SPACE**

Herewith please take notice that the Windhoek City Council intends permanently closing Portion "A" of Remainder of Erf 403 as 'public open space', for residential purposes in terms of section 50 of the Local Authorities Act of 1992 (Act 23 of 1992). Plan of the proposed closure is available at the office of the City Council at, 49 Independence Avenue in Room 702. Any party who wishes to object to the proposed closure must lodge their objection in writing to the Secretary: Townships Board, Private Bag 13289, and the Chief Executive, P.O. Box 59, Windhoek, within 14 days after the appearance of this notice in accordance with Section 50 (1) (C) of the above Act.

V. HAILULU
CHIEF EXECUTIVE OFFICER, WINDHOEK

CITY OF WINDHOEK

No. 278

1999

**PERMANENT CLOSING OF ERF 1641, EXTENSION 2, OTJOMUISE AS
PUBLIC OPEN SPACE**

Herewith please take notice that the Windhoek City Council intends permanently closing Erf 1641, Otjomuise Extension 2 as "public open space", as indicated on plan P/3740/A, for residential purposes, in terms of section 50 (3) of Local Authorities Act of 1992 (Act 23 of 1992). Plans of the proposed closure are available at the office of the Town Council at 49 Independence Avenue in Room 702. Any party who wishes to object to the proposed closure must lodge their objections in writing to the Secretary: Townships Board, Private Bag 13289, and the Chief Executive, P.O. Box 59, Windhoek.

V. HAILULU
CHIEF EXECUTIVE OFFICER, WINDHOEK

MUNICIPALITY OF WINDHOEK

No. 279

1999

OUTDOOR ADVERTISING REGULATIONS

The Council of the Municipality of Windhoek 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; and
- (b) repealed General Notice No. 15 of 1 March 1988.

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

- 1. Definitions
- 2. Advertisements on Council property, streets and public places
- 3. Advertisement 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 of 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 Windhoek 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 exercised or performed under these regulations;

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

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

“repealed regulations” means the regulations promulgated by General Notice No. 15 of 1 March 1988;

“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 Windhoek Town Planning Scheme prepared under section 16 of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954); and

“subdivision” means a subdivisions 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 places

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 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 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) 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 which will be displayed on the advertisement as well as the colour of the proposed advertisement; and

(ii) be drawn to a 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

- (e) a fee determined by the Council.
- (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 this 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 on 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 (1) 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 the 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 metre in area;
- (c) in an area zoned as residential 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 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 general residential or undetermined and which is predominately 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 institutional, undetermined, municipal or reserved for government, cemetery or transport and communication under the scheme, any advertisement can be erected or displayed as long as it complies with the requirements of paragraph (d);
- (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 by a candidate during Presidential, parliamentary, regional council or local authority elections as long as that advertisement -
 - (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 conduit 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 of 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, intentionally 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

7. (1) Where an advertisement is not repaired or is not being properly maintained or poses a danger to any person or property, the Council may serve a written notice on the owner of that advertisement if known, or on the owner or occupier of the place or premises on which the advertisement is erected or displayed.

(2) A notice referred to in subregulation (1) shall -

- (a) advise the recipient about the nature of the complaint;
- (b) request the recipient to repair or maintain the advertisement within a specified period;
- (c) inform the recipient that if he or she fails to repair or maintain the advertisement within the specified period, the Council may repair or maintain that advertisement, and thereafter recover the cost of doing so from the recipient.

(3) If at the end of the period specified in subregulation (2), the recipient fails to repair or maintain the advertisement, the Council may repair or maintain that advertisement and thereafter recover the cost from the person on whom the notice under subregulation (1) was served.

(4) Where a person erects or displays an advertisement in contravention of these regulations or conditions, including conditions relating to time limits, imposed by the Council, or where a person erects or displays an advertisement which is prohibited by regulation 5 the Council may -

- (a) in the case of a prohibited advertisement, serve a written notice on the person who erected or displayed that advertisement if known, the owner of that advertisement and the owner of the property where that advertisement is situated; or
- (b) in any other case serve a notice on the owner of that advertisement.

(5) A notice referred to in subregulation (4) shall -

- (a) advise the person concerned to comply with these regulations or a condition, including a condition relating to time limits, imposed by the Council within a specified period; or
- (b) in the case of a prohibited advertisement, order the person concerned to remove the advertisement immediately.

(6) If a person fails to comply with a notice given under subregulation (4), the Council may remove, deface, obliterate or destroy the advertisement or take any other remedial action which is necessary and reasonable in the circumstances and thereafter recover any costs incurred from the person who failed to comply with that notice.

(7) Any action taken by the Council under this regulation shall be in addition to any penalty imposed under regulation 9 for contravening these regulations.

(8) For the purposes of enforcing these regulations any officer or employee of the Council may exercise the powers conferred by section 91 of the Act.

(9) A notice required to be served under these regulations shall be served in compliance with section 93 of the Act.

Reconsideration of decision

8. (1) A person who is aggrieved by a decision of the Council made under these regulations may, within 30 days of receiving that decision, apply to the Council for reconsideration of that decision.

(2) An application made under subregulation (1) shall be in writing and shall contain the grounds on which the decision should be reconsidered.

(3) On receipt of an application made under this regulation, the Council shall reconsider its decision and may -

- (a) reverse the earlier decision;
- (b) reverse the earlier decision and impose conditions, including conditions relating to time limits, which are necessary and reasonable in the circumstances; or
- (c) confirm the earlier decision.

(4) The Council shall, within 60 days of receiving an application under this regulation, notify the applicant in writing of the decision made under subregulation (3).

Offences and penalties

9. (1) A person who -

- (a) in the Council area, erects, displays or uses an advertisement or causes an advertisement to be erected, displayed or used contrary to these regulations;
- (b) in the Council area, erects, displays or uses a prohibited advertisement or causes a prohibited advertisement to be erected, displayed or used;
- (c) contravenes or fails to comply with a requirement set out in a notice issued and served on him or her under these regulations;
- (d) intentionally makes a false statement when making an application under these regulations; or
- (e) contravenes or fails to comply with any provision of these regulations or a condition, including a condition relating to time limits, imposed under these regulations,

commits an offence and is liable on conviction to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months or to both the fine and imprisonment.

(2) In a prosecution for an offence under these regulations -

- (a) the owner of land or a building on which an advertisement was erected or displayed is deemed to have erected or displayed that advertisement or caused it to be erected or displayed;
- (b) any person who was, either alone or jointly with any other person, responsible for organising, or was in control of, any meeting, function or event to which an advertisement relates, is deemed to have erected or displayed any advertisement erected or displayed in connection with that meeting, function or event or to have caused or allowed that advertisement to be erected or displayed; and
- (c) any person whose name appears on an advertisement is deemed to have erected or displayed that advertisement or to have caused or allowed that advertisement to be erected or displayed;

unless the contrary is proved.

Savings

10. (1) Anything which was done under the repealed regulations and prior to the commencement of these regulations is deemed to have been done under these regulations and is valid for all purposes.

(2) An application which was made to the Council under the repealed regulations and prior to the commencement of these regulations shall be determined in accordance with the repealed regulations.

(3) The owner of an advertisement which, with the authorisation of the Council, was erected or displayed before the commencement of these regulations and the owner of the property on which an advertisement was, with the authorisation of the Council, erected or displayed before the commencement of these regulations shall, within 12 months after the commencement of these regulations, remove that advertisement, if that advertisement is prohibited by these regulations, or alter that advertisement to comply with these regulations, if it does not comply with these regulations.

BY ORDER OF THE COUNCIL

M.K. SHIKONGO
CHAIRPERSON OF THE COUNCIL

Windhoek, 23 August 1999