



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$2.00

WINDHOEK - 15 January 2005

No.3371

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MINISTRY OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING

No. 7

2005

TOWN PLANNING ORDINANCE, 1954: WINDHOEK AMENDMENT SCHEME NO. 68

In terms of section 26(2) of the Town Planning Ordinance, 1954 (Ordinance No. 18 of 1954), I give notice that I have under section 26(1) of that Ordinance, read with section 27(1) thereof, approved the Windhoek Amendment Scheme No. 68.

J. KAAPANDA
MINISTER OF REGIONAL AND LOCAL
GOVERNMENT AND HOUSING

Windhoek, 7 December 2004

General Notices

No. 10

2005

LÜDERITZ TOWN PLANNING 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 **Lüderitz Town Planning Amendment Scheme No. 6**, has been submitted to the Minister of Regional and Local Government and Housing for approval.

Copies of the Lüderitz Town Planning Amendment Scheme No. 6 and the maps, plans, documents and other relevant matters are lying for inspection during office hours at the Lüderitz Town Council and also at the Namibia Planning Advisory Board, Ministry of Regional and Local Government and Housing, 2nd Floor, Room 236, 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 March 2005.

No.11

2005

OUTAPI TOWN PLANNING SCHEME

Notice is hereby given in terms of Section 23 of the Town Planning Ordinance 1954, (Ordinance 18 of 1954), as amended, that the **Outapi Town Planning Scheme**, has been submitted to the Minister of Regional and Local Government and Housing for approval.

Copies of the Outapi Town Planning Amendment Scheme and the maps, plans, documents and other relevant matters are lying for inspection during office hours at the Outapi Town Council and also at the Namibia Planning Advisory Board, Ministry of Regional and Local Government and Housing, 2nd Floor, Room 236, 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 March 2005.

MUNICIPALITY OF WALVIS BAY

No. 12

2005

PERMANENT CLOSURE OF PORTIONS X AND Y OF THE REMAINDER OF ERF 218 KUISEBMOND AS "STREETS"

Notice is hereby given in terms of Section 50(3)(a)(ii) of the Local Authorities Act of 1992 (Act No. 23 of 1992) that the Municipality of Walvis Bay proposes to close permanently the undermentioned portion as indicated on plan no. REM/218K/SUB1, which lies for inspection during office hours at the Town Planning office, Room 101, Civic Centre, Nangolo Mbumba Drive.

PERMANENT CLOSURE OF PORTIONS X AND Y OF THE REMAINDER OF ERF 218 KUISEBMOND AS "STREETS"

Objections to the proposed closing are to be served on the Chief Executive Officer, Private Bag 5017, Walvis Bay, within 14 days after the appearance of this notice in accordance with Section 50(1)(c) of the above Act.

CHIEF EXECUTIVE OFFICER

MUNICIPALITY OF OMARURU

No. 13

2005

AMENDMENT OF ELECTRICITY SUPPLY REGULATIONS

The Council of the Municipality of Omaruru, under Section 30(1)(u) of the Local Authorities Act, 1992 (Act No. 23 of 1992) amends the tariffs in the Electricity Supply Regulations promulgated under the General Notice No. 238 of 2002 as set out in the Schedule.

SCHEDULE

Substitute the following paragraph for paragraph (c)5:

SCHEDULE**Tariff 1: Domestic Consumers:-**

In item 2 Unit Charges:- In addition to the demand charges, all units shall be charged at .45c per unit consumed, vat excluded, plus ECB charges. 0045c per unit.

Tariff 3: Bulk Consumers:

In item 2 Unit Charges:- In addition to the demand charges, all units shall be charged at .31c per unit consumed, vat excluded, plus ECB charges. 0045c per unit.

Tariff 4:

In item 2 Unit Charges:- In addition to the demand charges, all units shall be charged at .83c per unit consumed, vat excluded, plus ECB charges. 0045c per unit.

Tariff 7:

Unit charges .70c per unit, with basic charges included, vat excluded, plus ECB charges .0045c per unit.

BY ORDER OF THE COUNCIL

M.U. TJIRARE
CHIEF EXECUTIVE OFFICER

No. 14

2005

WATER TARIFF CHANGE - BULK WATER SUPPLY TO ONGOPOLO MINE

The 2004/2005 budget make provision for the following water tariff on page 8 of the tariff file as follows:

“b) Special tariff Ongopolo bulk supply N\$2-00. Council during its Ordinary Monthly Municipal Council Meeting held on the 30th of August 2004 resolved to reduce the N\$2-00 to N\$1-60”.

The agreement between Council and Ongopolo is that we sell water to each other at cost price. The cost price for purified water is N\$1-60 per cubic meter.

Attached is a certified copy of Council resolution.

A. BENJAMIN
CHIEF EXECUTIVE OFFICER

MUNICIPALITY OF WINDHOEK

No. 15

2005

GENERAL VALUATION OF PROPERTIES FOR RATING PURPOSES

Notice is hereby given in terms of section 66(2) of the Local Authorities Act of 1992 (Act No. 23 of 1992) that the Municipality of Windhoek will undertake the general valuation of all rateable properties situated within the municipal area of Windhoek with effect from 17 January 2005.

M.G. MAYUMBELO
ACTING CHIEF EXECUTIVE OFFICER
P.O. Box 59
Windhoek

MUNICIPALITY OF TSUMEB

No. 16

2005

STREET REGULATIONS:
LOCAL AUTHORITIES ACT, 1992

The Council of the Municipality of Tsumeb, after consultation with the Minister of Regional and Local Government and Housing, under section 94(1) of the Local Authorities Act, 1992 (Act No. 23 of 1992), has made the regulations as set out in the Schedule.

BY ORDER OF THE COUNCIL

V.C. KASIRINGUA
CHAIRPERSON OF THE COUNCIL

Tsumeb, 30 November 2004

SCHEDULE

ARRANGEMENT OF REGULATIONS

1. Definitions
2. Fences
3. Tampering, interfering with or damaging of property or works
4. Protection of street surface
5. Processions, performances and gatherings
6. Improper or indecent behaviour
7. Control of informal trade
8. Motor vehicles to be attended
9. Overflow of water into streets
10. Animals
11. Trees and other plants
12. Dumping and ancillary matters
13. Games
14. Miscellaneous
15. Local authority may act and recover costs
16. Offences and penalties

Definitions

1. In these regulations, unless the context otherwise indicates, any word or expression defined in the Act has that meaning, and -

“approval” means the written approval of the Council obtained prior to the event or the commission of the act concerned;

“authorised officer” means any staff member in the service of the Council authorised by the Council to administer any of these regulations, or, where applicable, a member of the Namibian Police Force as defined in section 1 of the Police Act, 1990 (Act No. 19 of 1990);

“Council” means the Municipal Council of Tsumeb;

“motor vehicle” means motor vehicle as defined in section 1 of the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999);

“municipal area” means the area under the jurisdiction of the Council;

“road traffic sign” means road traffic sign as defined in section 1 of the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999);

“sidewalk” means sidewalk as defined in section 1 of the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999);

“the Act” means the Local Authorities Act, 1992 (Act No. 23 of 1992).

Sidewalks and encroachments on streets

2. (1) A person may not -
- (a) (i) construct or lay a sidewalk in a street;
 - (ii) construct a balcony over, verandah on, stoep, steps or other projection or erect a post in a street;
 - (iii) build a private crossing, pathway, bridge or culvert to or in front of any dwelling or other premises in any street or public place; or
 - (b) (i) use a balcony or verandah erected beyond the boundary line of a street for purposes of trading or the storage of goods, or for the washing or drying of clothes thereon;
 - (ii) enclose or partition a balcony or verandah erected beyond the boundary line of a street or portion thereof as a living or bedroom,

except with the approval of the Council and subject to such conditions as the Council may impose.

(2) A gate, trellis or door giving access to a street or public place shall be hung or placed so as not to open towards the street or public place, except with the approval of the Council and subject to such conditions as the Council may impose.

Fences

3. (1) An owner or occupier of land within the municipal area may not erect or cause to be erected a fence composed either wholly or partly of barbed or razor-blade wire, or any other potentially dangerous fence, railing, wall or barrier abutting on a street, except with the approval of the Council and subject to such conditions as the Council may impose.

(2) Should any fence referred to in subparagraph (1), whether erected before or after the coming into force of these regulations, become potentially dangerous as a result of dilapidation or disrepair, the authorised officer may by notice in writing require the owner of the land on which such a fence has been erected, to, within a reasonable period to be specified in that notice, repair such fence to the satisfaction of the Council, or to remove such fence.

Tampering, interfering with or damaging of property or works

4. (1) A person may not tamper or interfere with, or remove, destroy or damage any property of the Council.

(2) A person may not interfere with or obstruct any works undertaken by the Council in the municipal area, or signs provided by the Council at the site of such works.

(3) A person may not wilfully destroy, pull down, obliterate, deface or alter anything that has been erected in a street by or under authority of the Council.

Protection of street surface

5. (1) (a) A person may not drive, push, roll, pull or propel a motor vehicle or any object, machine or material in such a condition that may damage, break or destroy the surface of the street in any way.

(b) A person, other than the authorised officer in the performance of his or her duties, may not apply, mark or draw lines, marks, words, signs or advertisements on the surface of a street.

(2) A person may not -

(a) excavate or dig or cause to be dug a pit, trench or hole of any kind in a street or public place; or

(b) remove earth, stone, gravel, shale or building material from any municipal land, street or public place,

except with the approval of the Council and subject to such conditions as the Council may impose.

(3) A person may not -

(a) bore or cut stone, slake or sift lime, or mix building materials in a street; or

(b) store or place building materials in a street or transport building materials, mixed or unmixed, across a street,

in such a way as to damage the street.

Processions, performances and gatherings

6. (1) A person may not hold, convene, organise, initiate, control or actively participate in a procession, performance, demonstration or gathering in a street or a public place, except with the approval of the Council and subject to the conditions as the Council may impose.

(2) A written application for the approval referred to in subregulation (1) shall be submitted to the Council not later than three working days prior to the proposed performance or gathering.

(3) An application referred to in subregulation (2) shall -

- (a) contain the full name and address of the convenor or organiser of the proposed procession, performance or gathering.
- (b) set out the purpose of the proposed procession, performance or gathering; and
- (c) specify the date, time and place of the proposed procession, performance or gathering and whether it is proposed to make use of any orchestra, musical instruments, loudspeaker or similar device which may create a public nuisance.

(4) On any occasion of public celebration, public meeting or any other event likely to cause congestion in any street or public place, any person in or in the vicinity of such street or public place shall obey the directions of any authorised officer as to the route to be followed by motor vehicles, animals or pedestrians or as to any other matter which may be necessary for the avoidance, prevention or removal of an obstruction in such street or public place.

(5) Any application complying with subregulation (3) shall be considered by the Council, and if any one or more of the actions to be performed or carried out as proposed in such application are not, in the opinion of the Council, likely to be in conflict with the interest of public peace, good order or safety, the Council shall issue a certificate granting permission and authorisation for the procession, performance or gathering, subject to such conditions as the Council may impose to uphold public peace, good order or safety.

- (6) This regulations shall not apply to weddings or funeral processions.

Behaviour in streets

7. (1) A person may not cause a nuisance to other persons by loitering, standing, sitting or lying in a street or public place.

- (2) A person may not -
 - (a) use obscene, threatening or profane language;
 - (b) paint, draw, or in any manner make an indecent or obscene figure, writing, drawing or representation;
 - (c) fight or act in a riotous manner;
 - (d) beg or ask members of the public for money or contributions;
 - (e) sing or play any musical instrument, recorded music, a radio, television or similar device, or allow it to be played or used;
 - (f) use a loudspeaker, amplifier, public address system or similar device;
 - (g) urinate or defecate;
 - (h) solicit or importune any person for the purpose of prostitution;
 - (i) engage in gambling;
 - (j) use intoxicating liquor;
 - (k) spit; or
 - (l) be indecently clothed,

in a street or a public place.

Control of informal trade

8. (1) The Council may allow informal trading on specified locations identified from time to time by the Council for such purposes and subject to such conditions as the Council may impose.

(2) A person may not conduct informal trade, except at such specified locations as identified by the Council in terms of this regulation and unless he or she has received a permit from the Council to do so.

(3) This regulation does not apply to a temporary stall on a street in aid of charity or public funds or charitable or public authority.

Motor vehicles to be attended

9. (1) A person may not in any street or public place repair any motor vehicle or any part thereof, except in the case of an accident or in other circumstances where such repairs are necessary before the motor vehicle can be removed.

(2) Despite subregulation (1), the Council may allow the repair or washing of motor vehicles or any part thereof or the washing, drying or bleaching of any article in an area determined by the Council.

(3) Any motor vehicle, article or thing found being repaired, washed, dried or bleached without the approval of the Council contemplated in subregulation (2) may be seized by an authorized officer and disposed of pursuant to the provisions of the Criminal Procedure Act, 1977 (Act No. 57 of 1977).

(4) A person may not in a street sleep in a motor vehicle other than a motor vehicle parked in a taxi rank or on some other stand duly allocated by the Council.

Overflow of water into streets

10. An owner of a building may not allow any water other than rainwater from the roof or any part of such building, whether inside or outside thereof -

- (a) to flow into or to fall onto any part of a street or public place otherwise than by suitable troughing or piping; or
- (b) to fall upon or to flow upon or over a public sidewalk, other than below the surface of such sidewalk into the gutter or water-furrow of the street by means of pipes or other appliances in accordance with plans approved of by an authorised officer.

Animals

11. (1) A person may not allow any livestock owned by him or her or which he or she ordinarily is in charge thereof to be in the municipal area, except with the approval of the Council and subject to such conditions as the Council may impose.

(2) A person may not carry or convey through or along a street or public place the carcass of an animal or animal offal, unless the carcass or offal is properly covered with non-transparent material.

Trees and other plants

- 12.** (1) A person may not -

- (a) uproot or plant trees or other plants in a street or public place, except with the approval of the Council, subject to the provisions of any other law relating to the protection of trees and other plants, and subject to such conditions as the Council may impose;
- (b) damage or destroy trees or other plants planted by the Council in a street or public place or remove any protection provided for such trees or other plants; or
- (c) cut remove damage or destroy trees, wood, turf, soil or grass from any municipal land, street or public place except with the approval of the Council, subject to the provisions of any other law relating to the protection of trees and other plants and subject to such conditions as the Council may impose;
- (d) allow any part of a tree or other plant growing on land of which he or she is the owner or occupier thereof, to obtrude into or hang over a street or in any other manner to cause an obstruction to traffic, or to be a source of danger or inconvenience to a person using such street; or
- (e) allow any part of a tree or other plant to cause damage to or to obstruct access to electrical cables, sewers or other services or installations supplied by the Council.

(2) Subject to the provisions of any law relating to the protection of trees or other plants, the Council may, by written notice to the owner or occupier of any land referred to in paragraph (d) and (e) of subregulation (1), require the removal, within the time specified in such notice, of a tree or other plant, or any part thereof, growing on that land and causing such damage, inconvenience or obstruction, and failing compliance with the notice, the Council may remove such tree or other plant or part thereof and may recover from that owner or occupier the reasonable costs of such removal.

(3) Subject to the provisions of any law relating to the protection of trees or other plants, the Council may at any time remove from a street or public place any tree or other plant causing an obstruction.

- (4) Any tree or shrub planted in a street shall become the property of the Council.

Dumping and ancillary matters

13. A person may not -

- (a) dump, leave or accumulate any garden refuse, motor vehicle wrecks, spare parts of motor vehicles, building or waste materials, rubbish or any other waste products in any street or public place;
- (b) permit any such objects or substances to be dumped or placed in a street or public place from premises owned or occupied by him or her,

except with the approval of the Council and subject to such conditions as the Council may impose.

Games

14. (1) A person may not roll any object or fly any kite, or throw a stone, stick or other projectile, or use a bow and arrow or catapult, or by any other means discharge fireworks in, onto or across a street or public place, or play cards dice or any other game, including games of skill or games of chance, on or in a street or public place.

(2) Despite subregulation (1), games of skill or games of chance may with the approval of the Council be staged or conducted by registered welfare organisations for the purpose of raising funds.

(3) For the purpose of these regulations, "game of chance" means any game by which a prize in money or in kind is or may be gained, won, drawn or competed for by lot, dice or any other method of chance.

(4) A person may not use roller-skates, a skateboard or similar equipment in a street or public place.

(5) A person may not do anything in a street that may endanger the life or safety of any person, animal or thing or may be a nuisance, obstruction or annoyance to the public.

Miscellaneous

15. (1) A person other than an authorised officer or an authorised person whom administers legally approved weed-killers or poisons may not set or cast such weed-killers or poisons in any street.

(2) A person may not display any advertisement, placard, poster or bill in a street, except with the approval of the Council and subject to such conditions as the Council may impose.

- (3) (a) A person may not set up or use in any street or public place any circus, whirling, roundabout or other side-show or device for the amusement or recreation of the public, except with the approval of the Council and subject to such conditions as the Council may impose;
- (b) an authorised officer, for the purposes of inspection, at all reasonable times, has free access to such circus, whirling, roundabout or other sideshow or device.

(4) The Council may prescribe by notice in writing that a number allocated to premises by the Council shall be displayed on such premises, and may also prescribe the position where it is to be displayed, and the owner or occupier of such premises shall, within 30 days of the date of such notice, display the allocated number on the premises in accordance with such notice.

Local authority may act and recover costs

16. (1) Despite any other provisions of these regulations to the contrary, the Council may -

- (a) where the approval of the Council is required before a person may perform a certain action or build or erect anything, and such approval was not obtained;
- (b) where any provision of this regulation is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance,

serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the Council may require to rectify such contravention within the period stated in the notice.

(2) A person who fails to comply with a notice in terms of subregulation (1) commits an offence and the Council may take action against the offender and take the necessary steps to implement such notice at the expenses of the owner of the premises or the offender.

Offences and penalties

17. A person who contravenes or fails to comply with any of these regulations commits an offence and is liable to a fine not exceeding N\$ 2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.