



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$1,50

WINDHOEK — 15 February 1994

No. 797

CONTENTS

	<i>Page</i>
PROCLAMATION	
No. 5 Declaration of 1 March 1994 to be a public holiday	2
GOVERNMENT NOTICE	
No. 21 Declaration of Omdel (Extension 1) to be an approved township: Town of Hentiesbaai	2
GENERAL NOTICES	
No. 24 Establishment of the township: Okahandja (Extension 6)	3
No. 25 Establishment of the township: Okahandja (Extension 7)	4
No. 26 Municipality of Otavi: Notice of vacancy in the membership of the Town Council of Otavi	4
No. 27 Municipality of Windhoek: Amendment of Street and Traffic Regulations	5
No. 28 Windhoek Amendment Scheme No. 22	14
No. 29 City of Windhoek: Permanent closing of portion 1 of Goethe Street Windhoek as street	15

Proclamation

by the

PRESIDENT OF THE REPUBLIC OF NAMIBIA

No. 5

1994

DECLARATION OF 1 MARCH 1994 TO BE A PUBLIC HOLIDAY

Under section 1(3) of the Public Holidays Act, 1990 (Act 26 of 1990), I hereby declare 1 March 1994 to be a public holiday.

Given under my Hand and the Seal of the Republic of Namibia at Windhoek this 28th day of January, One Thousand Nine Hundred and Ninety-four.

Sam Nujoma

President

BY ORDER OF THE PRESIDENT-IN-CABINET

Government Notice

MINISTRY OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING

No. 21

1994

DECLARATION OF OMDL (EXTENSION 1) TO BE AN APPROVED TOWNSHIP: TOWN OF HENTIESBAAI

Under section 13 of the Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963), I hereby declare the area situated on Portion 34 of the farm Hentiesbaai Townlands 133 in the Town Area of Hentiesbaai, Registration Division G, and represented by General Plan G 82 (A 721/91) to be an approved township.

The conditions subject to which the application for permission to establish the township concerned has been granted, are set forth in the Schedule below in terms of the said section 13.

DR. L. AMATHILA
MINISTER OF REGIONAL
AND LOCAL GOVERNMENT
AND HOUSING

Windhoek, 27 January 1994

SCHEDULE

1. NAME OF TOWNSHIP

The township shall be called Omdel (Extension 1).

2. COMPOSITION OF TOWNSHIP

The township comprises 213 erven numbered 303 to 515, 3 public open spaces numbered 516 to 518 and streets as indicated on General Plan G 82 (A 721/91).

3. CONDITIONS OF TITLE

The following condition shall be registered in favour of the local authority against the title deeds of erven 303 to 515:

“The erf shall be used or occupied for purposes which are in accordance with, and the use or occupation of the erf shall at all times be subject to, the provisions of the Hentiesbaai Town Planning Scheme prepared and approved in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954).”

General Notices

No. 24

1994

ESTABLISHMENT OF THE TOWNSHIP: OKAHANDJA (EXTENSION 6)

Notice is hereby given in terms of subsection (5) of section 5 of the Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963) that application has been made for the establishment of the Township Okahandja (Extension 6) situated on Portion 92 of the Remainder of the consolidated Farm Okahandja Townlands no. 277 and that the application is lying open to inspection at the office of the Director: National Planning Commission in Windhoek, the Surveyor-General in Windhoek and the Town Clerk, Okahandja.

Any person who wishes to object to the granting of the application or who desires to be heard in the matter, may give personal evidence before the Townships Board at the meeting of the Board which will be held on 22 March 1994 at 11:00 at the office of the Minister of Regional and Local Government and Housing, or submit written evidence to the Townships

Board, Private Bag 13289, Windhoek: Provided that such written evidence shall reach the Secretary of the Townships Board not later than 22 March 1994.

G. REUTER
CHAIRMAN: TOWNSHIPS BOARD

No. 25

1994

**ESTABLISHMENT OF THE TOWNSHIP:
OKAHANDJA (EXTENSION 7)**

Notice is hereby given in terms of subsection (5) of section 5 of the Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963) that application has been made for the establishment of the Township Okahandja (Extension 7) situated on Portion 91 of the Remainder of the consolidated Farm Okahandja Townlands no. 277 and that the application is lying open to inspection at the office of the Director: National Planning Commission in Windhoek, the Surveyor-General in Windhoek and the Town Clerk, Okahandja.

Any person who wishes to object to the granting of the application or who desires to be heard in the matter, may give personal evidence before the Townships Board at the meeting of the Board which will be held on 22 March 1994 at 11:00 at the office of the Minister of Regional and Local Government and Housing, or submit written evidence to the Townships Board, Private Bag 13289, Windhoek: Provided that such written evidence shall reach the Secretary of the Townships Board not later than 22 March 1994.

G. REUTER
CHAIRMAN: TOWNSHIPS BOARD

MUNICIPALITY OF OTAVI

No. 26

1994

**NOTICE OF VACANCY IN THE MEMBERSHIP OF
THE TOWN COUNCIL OF OTAVI**

In terms of Section 13(2) of the Local Authorities Act, 1992 (Act 23 of 1992), notice is hereby given that Councillor Rolf Hans Kuehl died on 11 January 1994.

Notice is hereby further given to DTA to nominate a member of the Town Council of Otavi within three months from the date of publication of this notice.

G.N. SHIVOLO
TOWN CLERK
P.O. Box 59
Otavi

MUNICIPALITY OF WINDHOEK

No. 27

1994

AMENDMENT OF STREET AND TRAFFIC REGULATIONS

The Council of the Municipality of Windhoek, after consultation with the Minister of Regional and Local Government and Housing, has under section 94(1) of the Local Authorities Act, 1992 (Act 23 of 1992) further amended the Street and Traffic Regulations promulgated under Government Notice 9 of 1930, as set out in the Schedule.

SCHEDULE

Government Notice 9 of 1930 is hereby amended by the substitution for -

(a) regulations 2, 3 and 4 of Chapter I; and

(b) Chapter II,

of the following regulations:

“Definitions

2. In these regulations, unless the context otherwise indicates, an expression defined in the Act has a corresponding meaning and -

“animal” includes livestock, dogs, snakes, baboons and birds;

“approval” means the written approval of the person or authority concerned, had and obtained prior to the event concerned or to the commission of the act approved or authorized by such approval;

“authorized officer” means a member of the Namibian Police Force as defined in the Police Act, 1990 (Act 19 of 1990), or any officer in the service of the Council authorized in writing by the Council to administer these regulations;

“building line” means a line parallel to a street or public place which may be determined by the Council and up to which the front of all buildings shall be built and beyond which no structures shall encroach towards the street or public place concerned;

“city engineer” means the person from time to time holding appointment as such or acting in such capacity in connection with the Council, or his or her authorised deputy or assistant;

“Council” means the Municipal Council of Windhoek;

“livestock” means domesticated livestock, and includes horses, cattle, mules, asses, sheep, goats and pigs;

“motor vehicle” means a motor vehicle as defined in the Ordinance;

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

“Ordinance” means the Road Traffic Ordinance, 1967 (Ordinance 30 of 1967);

“park”, when used as a verb, means to park a vehicle as defined in the Ordinance;

“public parking area” means an area in the municipal area set aside by the Council and utilized by the public for the parking of vehicles;

“refuse dump” means any site set aside by the Council for the purpose of dumping refuse or waste;

“sidewalk” means that portion of a street intended mainly for use by pedestrians and shall further include the area situated between a street and a building line, provided such area is normally used by the public as a footway;

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

“traffic” means traffic as defined in the Ordinance;

“vehicle” means a vehicle as defined in the Ordinance; and

“waste” means objects or substances discarded, abandoned, rejected or cast aside, and includes refuse.

Obstruction of streets and public places

3. (1) No person shall wilfully or negligently cause any obstruction, interference, nuisance or hinderance to a pedestrian or to traffic in a street or public place, without derogating from the generality of the foregoing -

- (a) by congregating with other people;
- (b) by sitting, lying down, loitering or similar other conduct;
- (c) with a vehicle, animal or other object; or
- (d) by trading or hawking, including the selling of newspapers, magazines or periodicals.

(2) No person shall carry a large object, or pointed or edged tools or objects with such points or edges not properly protected, or any other package or thing which may injure, obstruct or inconvenience pedestrians in a street or public place, except for the purpose of loading or unloading a vehicle.

(3) Subject to the provisions of the Hawker and Pedlar Regulations promulgated by Government Notice 17 of 1969, no person shall deposit, store or place any merchandise or other article in a street or public place longer than is reasonably necessary for loading it onto a vehicle for removal, or for its removal to some premises after having been unloaded from a vehicle.

(4) The Council may at any time remove any obstruction from a street or public place and no person shall intentionally offer resistance to or interfere with the removal of that obstruction, and in the event of a vehicle forming such obstruction, the provisions of section 131 of the Ordinance shall apply.

(5) (a) No person, being the occupier of a shop on the street level, or of any other building abutting on a street or public place, shall permit or allow a sidewalk in front of or adjacent to his or her premises to be or remain in any other than a clean or tidy condition, or to be littered or obstructed in any way whatsoever.

(b) Where any building referred to in paragraph (a) is let in separate apartments as offices, dwelling rooms or shops or for any other purpose, the lessor concerned shall be deemed to be the occupier.

(6) Notwithstanding anything to the contrary contained in these regulations, 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.

(7) Notwithstanding anything to the contrary contained in these regulations, a person erecting or repairing a building which abuts on a street may with the approval of the Council, and subject to such conditions as the Council may impose, which approval may be withdrawn at any time, deposit, place or store building material in a street while the work is in progress: Provided that he or she shall at all times effectively safeguard the public from damage or injury to person or property. In no case, however, shall more than one-third of the width of the street be taken up and not more than the extent of the front of the building, and all waste, debris and other material and fencing shall be removed immediately on completion of the work.

Tampering or interfering with, or damaging of, property or works

4. (1) No person shall tamper or interfere with, or remove, destroy or damage any property of the Council.

(2) No person shall 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) No person shall wilfully destroy, pull down, obliterate, deface or alter the nameboard of a street, or the number of a house or other building set up by or under authority of the Council.

(4) The Council may recover from any person found guilty of the contravention of subregulation (3) the costs reasonably incurred by it to repair the damage done to such nameboard or number by such person so found guilty, or to replace such nameboard.

Trees and other plants in streets and public places

5. (1) No person shall -

- (a) uproot or plant trees or other plants in a street or public place without 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;
- (c) cut, remove, damage or destroy trees, wood, turf, soil or grass from or on any municipal land, street or public place without 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, 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 other 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) or (e) of subregulation (1), require the removal, within a time to be 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, as the case may be, and failing compliance with the notice, 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 other 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.

Dangerous fences

6. (1) No owner or occupier of land within the municipal area shall 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 without the approval of the Council, 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 city engineer 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.

(3) Should any person, after having received a notice referred to in subregulation (2), fail to comply with the requirements of such notice within the period stated therein, the Council may repair or remove such fence, as the case may be, and may recover the reasonable costs of such repair or removal, as the case may be, from such person.

Excavations in and removal of matter from municipal land, streets or public places

7. (1) No person shall make a hole, pit, trench or other excavation of any kind in a street or public place without the approval of the Council, subject to such conditions as the Council may impose.

(2) No person shall remove any earth, stone, gravel, shale or building material from any municipal land, street or public place without the approval of the Council, subject to such conditions or the payment of such fees as the Council may impose.

Dangers created on private property

8. (1) No person shall place any object or article on any balcony or in any upper window opening or on any window-sill of any building abutting on a public place or street without sufficiently safeguarding it against being blown into or falling onto the public place or street.

(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, unless with the approval of the Council, subject to such conditions as the Council may impose.

Animals

9. (1) No person shall in the municipal area wilfully frighten or harass any animal.

(2) No person shall 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.

(3) No person shall allow any livestock owned by him or her or which he or she ordinarily is in charge of, to be in the municipal area without the approval of the Council, subject to such conditions as the Council may impose.

(4) Subject to the provisions of any other law relating to the protection of wild animals, no person shall within the municipal area keep a dangerous or potentially dangerous wild animal of any kind.

(5) Any wild animal referred to in subregulation (1), found in the municipal area may, subject to any other law relating to the protection of wild animals, be destroyed or otherwise disposed of by an authorised officer.

Littering

10. (1) No person shall throw, spill, drop, deposit or place, or cause or permit to be thrown, spilled, dropped, deposited or placed in or on a street or public place any waste that may interfere with the cleanliness or tidiness of that street or public place or may cause annoyance or danger to any person, animal or traffic.

(2) No person shall convey any waste of whatever nature unless such waste is covered to such an extent that no environmental pollution or littering can take place.

(3) In the event of a person committing an act in contravention of subregulation (1) or (2), an authorized officer may instruct such person to immediately remove the waste concerned from the street or public place, failing which such waste may be removed by the Council and the costs of such removal reasonably incurred may be recovered by the Council from that person.

(4) No person shall throw or cause to be thrown from, in, on or about any street or public place any fireworks, crackers, or any other matter or thing, or shall use, explode or brandish or cause to be used, exploded or brandished in a street or public place anything whatsoever which may cause annoyance, loss, injury or danger to any person, animal or traffic.

Games

11. (1) No person shall roll any object or fly any kite, or throw a stone or use a bow and arrow or catapult, or by any other means discharge a missile upon, over or across a street or public place, or play cards, dice or any other game whatsoever, including games of skill or games of chance, on or in a street or public place: Provided that games of skill or games of chance may with the approval of the Council be staged or conducted by registered welfare organizations for the purpose of raising funds.

(2) 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.

(3) No person shall use a roller-skate, skateboard or similar equipment in a street or public place.

Loitering

12. No person shall wilfully -

- (a) sit, lie, stand or congregate in a street or public place or otherwise act in such a manner as to obstruct free traffic, or jostle or otherwise hinder any other person using the street, or obstruct the free movement of persons in such public place;
- (b) loiter near the entrance to a public place of assembly in such a manner as to obstruct the free movement of persons into or out of the public place of assembly; or
- (c) loiter within 100 metres from the premises of an institution for the care of aged or handicapped people, a school, hospital, church or other similar institution.

Performances and gatherings in streets and public places

13. (1) No person shall hold, convene or organise any performance or gathering in a street or public place without the approval of the Council, and subject to such conditions as the Council may impose.

(2) A written application for such approval shall be submitted to the Town Clerk not later than three working days prior to the proposed performance or gathering.

(3) Every such application shall -

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

(4) On any occasion of public celebration, a 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 authorized officer as to the route to be followed by 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.

Nuisance

14. No person shall create a public nuisance in any street, public place or residential premises by -

- (a) shouting, quarrelling or fighting;
- (b) singing or playing any musical instrument, recorded music, a radio, television or similar device, or allowing it to be played or used;
- (c) using a loudspeaker, amplifier, public address system or similar device;
- (d) behaving in a riotous, violent or unseemly manner; or
- (e) repairing or operating vehicles or any other machinery in a noisy manner or using a lawn-mover during the hours of 13:00 on a Sunday to 07:00 on the ensuing Monday.

Children

15. (1) No child shall sell or offer for sale any goods, merchandise, article, service or thing whatsoever, in a public place or street without the approval of the Council and on such conditions as may be imposed, or beg.

(2) No person shall cause or permit a child under his or her authority or control to sell or offer for sale any goods, merchandise, article, service or thing whatsoever, in a public place or street without the approval of the Council and on such conditions as may be imposed, or to beg.

(3) For the purpose of this regulation "child" means any person under the age of sixteen years.

Soliciting

16. No person shall in or in view of any street or public place solicit a person in any way for the purpose of prostitution.

Indecent behaviour

17. (1) No person shall in or in view of any street or public place commit any indecent act, make any indecent gesture or conduct himself or herself in an indecent, unseemly, riotous or disorderly manner.

(2) No person shall, in or in view of a street or public place, paint, draw or in any manner make any indecent or obscene figure, writing, drawing or representation.

(3) No person shall in the municipal area sing any obscene song or use any profane language within hearing distance of any other person.

Street collections

18. No person shall in the municipal area, without the approval of the Council and subject to such conditions as the Council may impose, collect money for charitable or any other purpose.

Display of articles and goods for sale

19. Subject to regulation 3(6), no person other than a duly licensed pedlar or hawker or some other person lawfully entitled to trade in a street or public place, shall in any street or public place exhibit for sale or otherwise display any article, object, item or thing whatsoever.

Miscellaneous

20. (1) No person shall discharge a fire-arm within the municipal area, except in the case of -

- (a) a fire-arm discharged during lawful target shooting or practice;
- (b) a fire-arm lawfully discharged in the defence of a person or of property;
- (c) a fire-arm discharged on land used mainly for farming purposes;
- (d) a fire-arm discharged in the execution of a person's lawful duty; or
- (e) a starter's pistol discharged by a starter at any sports meeting.

(2) For the purposes of this regulation, "fire-arm" means an "arm" as defined in the Arms and Ammunitions Act, 1969 (Act 75 of 1969), and includes a cannon, machine-gun and machine-rifle.

21. No person shall hold an auction or sale in a street or public place except with the approval of the Council and subject to such conditions as may be imposed.

22. (1) No person shall in a street or public place -

- (a) in any area determined by the Council by notice in the *Gazette*, repair or wash a vehicle, or any part thereof, except in the case of an accident or in other circumstances where such repairs are necessary before the vehicle can be removed; or
- (b) wash, dry or bleach any article or thing whatsoever.

(2) Any article or thing found being repaired, washed, dried or bleached in contravention of subregulation (1), may be seized by any authorized officer and disposed of pursuant to the provisions of the Criminal Procedure Act, 1977 (Act 51 of 1977).

23. No owner of a building shall allow the water from the roof or from any part of such building, whether inside or outside thereof, to flow into or to fall onto any part of a street or public place otherwise than by suitable troughing or piping, nor shall he or she allow any such water to fall upon or to flow upon or over a public sidewalk, but he or she shall cause it to be conveyed 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 to be approved of by the city engineer.

24. No person shall wash himself or herself in or at a water-furrow along a street, or in or at a reservoir, fountain, water-trough, water-pipe or tap in the municipal area or under the control of the Council.

Limitation of Activities

25. The Council may display notices in conspicuous positions alongside of, in or on a street or public place informing of the prohibition, restriction or regulation, as the case may be, of any activity prohibited, restricted or regulated by these regulations.

Offences

26. Any person who contravenes any provision of these regulations shall be guilty of an offence and on conviction be liable to a fine not exceeding N\$2 000,00 or to imprisonment for a period not exceeding six months.”

BY ORDER OF THE COUNCIL

CHAIRPERSON OF
THE COUNCIL

Windhoek, 26 January 1994.

No. 28

1994

WINDHOEK AMENDMENT SCHEME NO. 22

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. 22 has been submitted to the Cabinet for approval.

Copies of the Windhoek Amendment Scheme No. 22 and of 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, City Centre Building, 8th Floor, Room 805, Windhoek.

Any person who wishes to object to the approval of the Amendment Scheme should lodge objections in writing to the Secretary, Namibia Planning Advisory Board (NAMPAB), Private Bag 13289, Windhoek on or before 1 April 1994.

CITY OF WINDHOEK

No. 29

1994

**PERMANENT CLOSING OF PORTION 1 OF
GOETHE STREET WINDHOEK AS STREET**

Notice is hereby given in terms of article 50(3)(a) of the 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/3157/A which lies for inspection during office hours at the office of the Town Planner, Room 702, Municipal Offices, Independence Avenue.

PORTION 1 OF GOETHE STREET WINDHOEK

Objections to the proposed closing are to be served on the Director, Local Authorities and Development Planning, Private Bag 13289, and the Town Clerk, P.O. Box 59, Windhoek, within 30 days after the appearance of this notice in accordance with article 50(3)(a) of the above Act.

J.G.B. BLIGNAUT
TOWN CLERK
