

CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

CCTV BY-LAW

The City Manager of the City of Johannesburg Metropolitan Municipality hereby in terms of section 13(a) of the Local Government: Municipal Systems Act, 32 of 2000, read with section 162(2) of the Constitution, 1996, publishes the Privately Owned Closed Circuit Television Surveillance Camera By-Law (“CCTV Camera By-law”) for the City of Johannesburg Metropolitan Municipality as approved by its Council and will come into operation on the date of promulgation of this notice.

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CHAPTER 1

INTERPRETATION AND APPLICATION

1. DEFINITIONS

In this By-Law, unless the context otherwise indicates, -

“Advertisement” means any representation by a word, or abbreviation, letter, logo, symbol, sign, figure, painting, drawing or other pictorial representation, or light or displayed in or in view of any Public Space, Provincial or National Road, within the jurisdiction of the City for the purpose of drawing attention of the public to or promoting any product, service, business or commercial enterprise, trade, person, election or candidature in an election, voter registration, entertainment, function, meeting or other event, security and news headlines;

“Advertising” means the act or process of displaying an advertisement and

“advertise” has a corresponding meaning;

“Applicant” means persons, including legal entities but not limited to community associations and other interest groups

applying, in terms of this By-Law, to the City for an approval to install a CCTV Camera in Public Space and within private property with a view or an angle of coverage to the Public Space within the City and registration thereof in terms of this By-Law;

“Application”

means a process undertaken by a person applying in terms of the provisions of this By-Law for authority to install a CCTV system, camera, equipment or registering a CCTV camera on City property, or private property with an angle or view to Public Space or land.

“Application for Service Connection”

means an application to the City for electricity supply and other services from the City’s electricity supply grid to the CCTV Camera;

“Approved”

means approved in writing by the City; and

“Approval”

has a corresponding meaning;

“Authorised Official”

means any person or official who has been duly authorized by the City.

“Authorised Person”

means a duly authorized person or entity, by the CCTV Camera owner, who by law has legal right to access Data collected through CCTV Camera;

“CCTV Camera”

means Closed Circuit Television Surveillance Camera together with all attachments thereto, as the case may be and includes without any limitation, any structure used to mount the camera and power generation and storage equipment mounted thereon and is the industry standard in surveillance camera and includes electrical power supply cables, imagery or footage transmission equipment such as antennae and other footage or image transmission equipment, and any other fixture, equipment or connections thereto;

“City Department”

means any department of the City with a specified or designated function within the City in relation to this By-Law;

“City Property”

means land, structures and infrastructure owned by the City or government.

“City” or “the City”

means:

- (a) the City of Johannesburg Metropolitan Municipality established by Provincial Notice No. 6766 of 2000, as amended, or
- (b) its successors in title; or

(c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Municipal Systems Act, as the case may be;

“City Structure”

means any City Property including but not limited to buildings, Urban Freeways; Major (inter) urban arterials including Designated Public Transport Routes (Inter) district connectors and Minor (intra) urban arterials; JMPD CCTV Camera, serving similar purpose; Bridges; Signboards; Traffic lights; City Luminaires; Information Boards and any other structure or property belonging to City and Government Buildings;

“Commercial Applicants”

means without any limitation Applicant for installation of CCTV Camera to be used for commercial purposes including provision of security and other legal services to consumers and includes CCTV Cameras intended to be installed within private property which are intended to be used for the same purpose;

“Community Police Forum”

means a forum established in terms of section 19(1) of the South Africa Police Service Act 68 of 1995

comprised of group of people from different communities and police representatives who meet to discuss safety problems in their communities;

“Council”

means

- (a) council of the Metropolitan Municipality of the City of Johannesburg established by Provincial Notice No. 6766 of 2000, as amended, exercising its legislative and executive authority through its municipal council; or
- (b) its successors in title; or
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub delegated, or an instruction given, as contemplated in section 59 of the Municipal Systems Act, as the case may be;

“Constitution”

means the Constitution of the Republic of South Africa, 1996;

“Contractor”

means, for purposes of this By-Law, any contractor whose services have been enlisted by the applicant or CCTV Camera Owner to install and maintain CCTV Camera and to provide services including but not limited to data processing services;

“Control Room”	means, for purposes of this By-Law, a room or place serving as a central space where CCTV Camera footage will be monitored and controlled;
“Data”	means, for purposes of this By-Law any imagery or footage collected through CCTV Camera;
“Drone camera”	means a camera mounted on an unmanned aerial vehicle that can be remotely controlled;
“Electricity authority”	means a City approved supplier of electricity, including City Power and Eskom.
“Eskom”	means Eskom Holdings Limited, a public company that has been converted as such in terms of the Eskom Conversion Act 13 of 2001.
“Installation Site”	means geographically, the exact site in which the CCTV Camera is proposed to be erected as specified in the application;
“JMPD”	means Johannesburg Metropolitan Police Department established in terms of Chapter 12 and section 64A(1)(a) of the South African Police Service Act, 68 of 1995;

“JRA” or “the JRA”

means the Johannesburg Roads Agency, whose core competencies are the planning, design, construction, operation, control, rehabilitation and maintenance of the roads and storm water systems in the City and whose main responsibilities include the construction and maintenance of bridges, culverts, traffic signals, traffic signal systems, footways, road signage and road markings;

“Law Enforcement Agencies”

means any statutory law enforcement agency of RSA, and any government agency that has law enforcement authority in terms of an empowering statute or law to enforce or assist in law enforcement and these include SAPS and JMPD;

“Municipal Owned Entities”

means City of Johannesburg Municipal Entities which include but not limited to City Power, Joburg Market, Johannesburg City Parks, Johannesburg Development Agency, Johannesburg Property Company, Johannesburg Roads Agency, Johannesburg Social Housing Company, Johannesburg Water, Johannesburg Zoo, Johannesburg Metropolitan Trading Company, Metrobus, Pikitup and Johannesburg Theatre;

“Outdoor Advertising”	means the display of any advertisement in or in view of any Public Space, Provincial or National Road within the jurisdiction of the City;
“Person”	means a natural or juristic persons;
“Public Road Reserve”	means the full width of a public road, and includes the verge and the roadway;
“Public Space” or Public Place	means and includes without limitation City owned public street, bridge, subway, a square, and any other open or enclosed space including community sports grounds and parks, connecting spaces, such as sidewalks roads and streets to which the public has a right of access or which is commonly used by the public;
“Prescribed Conditions”	means conditions prescribed in this By-Law and such further conditions as may be prescribed in the approval;
“Prescribed Fees”	means the prescribed penalty fees and application fees including renewal fees which must be payable upon submission of an application in terms of this By-Law, as determined by the Council from time to time;

“Privately Owned” or

“Private Property”

for the purposes of this By-Law, means property including services infrastructure, storm water systems, road, building, house, flat, block of offices, warehouse or fixture attached to it, any pole, fence, wall, bridge, sign, cabling, tower or fixture attached to it owned by a private individual or legal entity, rather than by the City, Government or any public body;

“Processing” -

means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information or data, including-

- (a) the collection, receipt, recording, organization, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- (b) dissemination by means of transmission, distribution or making available in any other form; or
- (c) merging, linking, as well as restriction, degradation, erasure or destruction of information;

“POPI Act”

means the Protection of Personal Information Act 4 of 2013;

- “Register” or “to Register”** means a process whereby an applicant registers in terms of this By-Law a CCTV system, camera or any related equipment on City land or infrastructure or private property;
- “Registered Engineer”** means a person registered with the Engineering council of South Africa as a professional engineer or a professional engineer technologist, professional certified engineer or professional engineering technician under the Engineering Professional act, 2000, Act No 46 of 2000);
- “Registered Neighbourhood** means a group of citizens from a neighbourhood within the City who agree to form a neighbourhood watch after discussing the idea with people who live in their area;
- “Reinstatement”** means, in relation to Installation Site, the work necessary to restore the Road Reserve and any City Property and all features contained in it to the same or a better state than existed before the activities which altered the original state took place;
- “Residential Property”** means private residential property within which the CCTV Camera is intended to be installed or where CCTTV Camera is already installed, for private

security purposes and is not intended for any commercial use, exploitation or, as the case may be;

“Service Infrastructure”

means any Service Infrastructure situated within or outside the road reserve that is used for supplying a product or service that is intended for public or private use and that is the property of a Service Agency or is privately owned;

“Special Approval”

means a special approval which must be sought in terms of this By-Law by applicant in respect of an application for installation of CCTV Camera on any City Structure;

“South African Police Service”

Or “SAPS”

means the South African Police Service, the national police RSA;

“Structure/s”

means an item or items made up of a number of parts that are held or put together in a particular manner.

“Structure Specifications” -

means the minimum CCTV Camera structure specifications prescribed by Council which may be amended from time to time which must be complied with in respect of all CCTV Camera applications and

installations which must be published from the date of promulgation into law, of this By-Law;

“Temporary Installations”

means the installation of a CCTV camera or system on City land or infrastructure, not exceeding thirty (30) days. This includes a trailer adapted to be a roving CCTV camera device.

“Vetting Committee”

means a vetting committee as constituted in terms of this By-Law from time to time which consists of affected members of the relevant City departments to consider applications.

“Wayleave”

means a limited right granted by the City in terms of the relevant Public Road and Miscellaneous By-laws, for the purposes including but not limited to the erection or laying and repair of CCTV Camera within the public road reserve; and

“Wireless Network Layout”

means CCTV Camera networks that are not connected by cables of any kind to enable applicants to avoid the process of introducing cables into City property, private property or ground as a connection between different CCTV Camera equipment locations and Control Room.

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2. APPLICATION

- 2.1 This By-law applies to all CCTV Camera and mobile camera, including drone camera, in Public Space; in a private property with a view or angle of coverage to a Public Space, installed or intended as provided for, in the area and jurisdiction of the City.
- 2.2 Approval for CCTV Camera in terms of this By-Law is required irrespective of the zoning of any property in terms of the applicable town-planning scheme and provisions of any other law.
- 2.3 The owner of a CCTV Camera and any person who applies for approval in terms of this By-Law must comply with any provision of this By-Law relating to that CCTV Camera and must ensure that all relevant provisions of this By-Law and any applicable laws are complied with, subject to anything to the contrary contained in Section.2.4, his By-Law must be read with the applicable provisions of City's Public Road and Miscellaneous By-Laws, the Code of Conduct for working on the Public Road Reserve, Outdoor Advertising By-Law 2017, Standardisation of Electricity Supply By Law, Encroachment on Property By-law 2004, and any other applicable by law of the City.
- 2.4 This By-law must be read with any applicable provisions of the Constitution of the Republic of South Africa 1996, National Building Regulations and Building Standards Act No. 103 of 1977, the Telecommunications Act 103 of 1996, the

Protection of Personal Information Act 4 of 2013 (“POPI”); Gauteng Archives and Records Services Act 5 of 2013.

2.5 Temporary Installations of a CCTV Camera or system on City land or infrastructure, not exceeding thirty (30) days is prohibited. This includes a trailer or vehicle adapted to be a roving CCTV Camera device.

2.6 Unauthorised use of drone CCTV Cameras over any private or public property within the jurisdiction of the City is prohibited.

2.7 An approval in terms of this By-Law does not exempt the applicant or CCTV Camera owner from complying with any other applicable law.

3. **OBJECTIVES AND PURPOSE**

The objectives and purpose of this By-Law are to-

3.1 Provide for regulation and registration of Privately-Owned Closed-Circuit Television Surveillance Camera (“**CCTV Camera**”) installed in Public Space and private property, and whose range and angle of coverage includes Public Space within the City.

3.2 Promote the lawful and constitutional use of CCTV Camera within the jurisdiction of the City, as a mechanism to deter crime and to prosecute

perpetrators of crime by ensuring the safety and security of individuals, communities and property within the City.

3.3 Discharge the City 's obligation of a safer city; in the performance of its functions as required by section 64E of the South African Police Act 68 of 1995, (regulating of traffic policing, by law policing and crime prevention).

3.4 Ensure that the use of installed CCTV Camera within the City is in strict compliance with the applicable laws by providing an effective framework within which the City can prescribe, regulate and safeguard Constitutional rights to human dignity, privacy, security of persons, freedom of movement; and general wellbeing of the community.

4. AREAS REGULATED BY THIS BY LAW

4.1 This By-law provides for regulation of:

4.1.1 The approval of CCTV Cameras;

4.1.2 The erection of temporary and mobile CCTV Camera, including drone cameras;

4.1.3 Registration of all Third-Party existing CCTV Camera or systems on City Property;

4.1.4 Unregistered CCTV Camera and equipment;

4.1.5 The creation of a Database of all third-party CCTV Camera monitoring City Property whose range or angle of coverage covering Public Space;

- 4.1.6 CCTV Camera in residential or private property with a view to or angle of coverage to any Public Space;
 - 4.1.7 Provides for the minimum specification for CCTV Camera structures and equipment;
 - 4.1.8 The handling of data (recorded, captured and still imagery) captured by CCTV Camera.
- 4.2 Any person upon whom a power is conferred, or function or duty is imposed under this By law must exercise that power and perform that function or duty in order to give effect to the objectives specified in subsection 4.

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CHAPTER 2

APPROVAL AND CONSIDERATION OF APPLICATIONS

5. APPROVAL OF CCTV CAMERA

- 5.1 No person may erect a CCTV Camera or use or continue to use a CCTV Camera or any structure or device as a CCTV Camera as provided for in this By-Law without prior written approval of the City.
- 5.2 No CCTV Camera erected and operated with Approval in subsection (1) or any repealed by law or Wayleave may be altered, removed, re-erected or upgraded except for maintenance work which may be required for upkeep of a CCTV Camera, without prior written approval of the City, subject to conditions and requirements as the City may consider appropriate which may include submission of proof of compliance.
- 5.3 An Application for Approval envisaged in subsection (1) above must be on a prescribed form and accompanied by such documentation, information, maps, diagrams and plans as set out in schedule 1 to this by- law.
- 5.4 An Application envisaged in subsections (3) above shall be preceded by a pre evaluation submission and such submission shall be accompanied by some but not all the documentation, including information, maps, diagrams and plans as set out in schedule 1 as determined by the City.

5.5 At the end of the pre-evaluation as envisaged in subsection (4) above, the City shall give the Applicant an indication in writing whether a formal Application is to be submitted in terms of subsection (3) above, such Application is to be submitted in terms of subsection (3) above, such Application would be in compliance with the provisions of this By-Law and would in all probability find support; however, the City will not be bound by such an indication when considering the Application.

5.6 The City may, in its sole discretion, exempt an Applicant from complying with any requirements stipulated in schedule 1 on good cause shown.

5.7 Every plan and drawing required in terms of schedule 1 must be on a sheet smaller than A4 size.

5.8 The City shall refuse to accept an Application if –

5.8.1 Subject to subsection (6) above and subject to any authority to ask for any other further information, any requirement stipulated in schedule 1 has not been complied with; or

5.8.2 The Application relates to a CCTV Camera which is prohibited in terms of this By-Law.

5.9 If any information requested by the City in terms of clause... of schedule 1 is not provided within 60 (sixty) days of the date of first written request, within such further periods as the City may in writing permit, the Application concerned shall automatically lapse without further notice.

5.10 Any extension of time envisaged in subsection (9) above shall be submitted for consideration prior to the lapsing of the Application.

6. **CONSIDERATION OF APPLICATIONS, RENEWALS**

6.1 In considering an Application submitted, the City must, in addition to **CCTV Camera Management Framework** as approved by the City (Schedule 2), and any other relevant factors, legislation, policy, and by-laws of the City, have due regard to the following:

6.1.1 The compatibility of the proposed CCTV Camera with the environment and with the amenity of the immediate neighbourhood, urban design and streetscape;

6.1.2 Whether the proposed CCTV Camera will –

- (a) have a negative visual impact on any property under any applicable town-planning or land use scheme; or
- (b) constitute a danger to any person or property or to motorists or pedestrians or obstruct vehicular or

- pedestrian traffic or constitute a traffic hazard in general;
- (c) in any way impair the visibility of any road traffic sign;
 - (d) obscure any existing and legally erected CCTV Camera;
 - (e) obscure any feature which in the opinion of the City is a natural feature, architectural feature or visual line of civic, architectural, historical or heritage significance; or
 - (f) in the City's opinion, be unsightly or objectionable or detrimentally impact on the architectural design of any building of the property concerned or any adjacent or nearby property; and
 - (g) Has the effect of unlawfully breaching any of the implicated constitutional rights like privacy and dignity.
 - (h) The number of CCTV Camera already existing, nearby or adjacent to the proposed Installation Site;
 - (i) A number of existing, nearby or adjacent City property including but not limited to traffic lights, streetlights and road signage;
 - (j) Any restrictive or other conditions specified in the City's town planning scheme, conditions of establishment or any other law;
 - (k) Any written comments, objections or representations submitted in respect of the Application by any interested party;

- (l) Any and conditions determined or prescribed by any statutory authority, in terms of any legislation or any applicable;
- (m) Compliance with the provisions of this By-Law.

6.2 The City may refuse any application or approve it, subject to any amendment or condition the City deems appropriate which may include a condition.

6.3 Any Approval in terms of this By-Law will be for a period as determine by the City or a period of 12 (twelve) months; and it will be deemed that a period of as stated will run from the date of granting of Wayleave in terms of the relevant by-law.

6.4 The period of Approval contemplated in subsection 6.3 above will be specified in the Approval.

6.5 The City must forthwith, in writing, notify the Applicant of its decision by registered post or by any other means available to the City, including e-mail and/or fax, and must provide written reasons for its decision when requested to do so by the Applicant in writing as contemplated in section 5 of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000).

6.6 The Council must, for its own record, retain every Application, plans, drawings and other documentation submitted, for a period it considers appropriate.

- 6.7 No Approval granted in terms of this section shall have the effect that –
- 6.7.1 any person is exempted from any provisions of any other law that might otherwise be applicable to CCTV Camera; or
 - 6.7.2 the owner of the property and owner of CCTV Camera is exempted from the duty to ensure that such CCTV Camera structure erected, completed, operated and maintained in accordance with the provisions of this By-Law and any other applicable law.
- 6.8 If an Application submitted has been refused, no further Application may be lodged by the same Applicant in respect of the same exact Installation Site for a period of one year from the date of such refusal, unless a motivation is submitted in writing for an Approval indicating a change of circumstances.
- 6.9 If an Application is Approved, CCTV Camera is not completely erected within 3 (three) months from the date of notification of such Approval or within such other time or period specified in such Approval or any such further period which the City on good cause shown allows in writing, the Approval shall automatically lapse, where after a new Application must be submitted.

- 6.10 Any Application for an extension of the period envisaged in subsection 6.9 above must be submitted for consideration prior to the date of lapsing of the approval and if the extension is granted, such extension may not exceed a further 3 (three) months from date of granting of the extension.
- 6.11 After the erection of an Approved CCTV Camera, the Applicant must provide the City with a completion certificate executed by a registered engineer within 2 (two) days from the date of completion of erection.
- 6.12 The City may conduct an inspection on an installation site at any time.
- 6.13 All Approvals for installation of CCTV Camera by Commercial Applicants will endure for a period of 1 (one) year from the date of installation, where after, the Approval shall lapse, unless the requisite Application for renewal of the Approval is filed with the City.
- 6.14 Any application for renewal shall be submitted to the City for consideration in terms of subsection 6.13 above 3 (three) months prior to expiry of the 1 (one) year period stated in section 6.13 above.

CHAPTER 3

EXEMPTIONS AND PROHIBITIONS

7. AREAS REQUIRING SPECIAL APPROVAL FOR THIRD PARTY INSTALLATIONS

7.1 Application for installation of CCTV Camera on and in the event of drone Camera, over the following City Property will require Special Approval and issue of a permit by the City:

7.1.1 City owned buildings;

7.1.2 Near any or on a JMPD CCTV Camera, serving similar purpose;

7.1.3 Bridges.

7.1.4 Signboards.

7.1.5 Freeways

7.1.6 Traffic signals.

7.1.7 Street Luminaires.

7.1.8 Information Boards.

7.1.9 Government Buildings.

7.1.10 National key point.

7.1.11 South African Police Community Service Centres.

7.1.12 Any other structure property belonging to the City, or on which CCTV Camera installation is deemed prohibited by City.

7.2 Unauthorised use of drone CCTV Camera over private or public property within the jurisdiction of the City is prohibited.

- 7.3 The City may determine special circumstances and conditions under which the use of drone CCTV Camera may be temporarily permitted.
- 7.4 The City may determine what portion of the City property is suitable for the purpose of undertaking CCTV Camera installations, and in every case where it determines that portion may be used for such purpose, grant a permit in writing specifying the portion which may be occupied for such purpose and the condition under which such permit is granted.
- 7.5 The City may withhold the issue of a permit required in terms of subsection 4, until all prescribed fee has been paid and the acceptance of any of such permit by the Applicant without objection.
- 7.6 Every permit granted by the City for CCTV Camera installation, must specify the precise position the installation is permitted and the period for which the permit is granted.
- 7.7 Where a Special Approval is granted in respect of an Application for installation of CCTV Camera on City property, the Applicant must comply with conditions as may be prescribed by the City or relevant department of the City and must take utmost care to ensure that the City Property is not damaged or modified in such a way that it does not serve its intended purpose.7.6. The City may refuse installation of CCTV Camera on any City property or within the prohibited distance of categories of properties listed in subparagraph 1 above.

CHAPTER 4
AMENDMENT AND WITHDRAWAL OF APPROVALS

8. WITHDRAWAL AND AMENDMENT OF APPROVALS

8.1 The City may, after considering any representations made in terms of subsection 2 below, withdraw an Approval granted in terms of this By-Law or granted in terms of any other by-law or other legislation applicable to CCTV or amend any approval by adding, amending or deleting a condition in respect of such Approval if, in the opinion of the City, the CCTV concerned –

8.1.1 is or has, as a result of a change to the nature of the environment or the amenity of the neighbourhood, streetscape or landscape or urban design existing at the time of such approval, become detrimental to the area in which it is located by reason of its size, quality of design, workmanship, material or its mere existence in the area;

8.1.2 constitutes, or has become, a danger to any person or property;

8.1.3 is obscuring any other prior approved CCTV Camera installation, natural feature, architectural feature or visual line of civic, architectural, historical or heritage significance; or

8.1.4 has become prohibited in terms of this By-Law or any other law;

- 8.2 Prior to taking any decision in terms of subsection 8.1 above, the City must in writing notify the owner of CCTV Camera concerned of its proposed decision and that such owner may within 21 (twenty-one) days of the receipt of the notice make written representations concerning the proposed decision.
- 8.3 The owner of the CCTV Camera and owner of the property concerned must forthwith be given notice in writing of any decision taken in terms of subsection 8.1.
- 8.4 The City must upon receipt of a written request, provide written reasons for its decision as contemplated in section 5 of the Promotion of Administrative Justice Act, 2000.

CHAPTER 5

APPLICATION FOR ELECTRICITY SERVICES

9. ELECTRICITY SUPPLY, POWER CABLES AND CONDUIT TO CCTV CAMERA

- 9.1 All electricity supply to a CCTV installation site must be in conformity with the City Electricity Supply By-laws, policy, and any applicable legislation.
- 9.2 No electricity supply to CCTV Camera from the City or the City's electrical network or infrastructure shall be allowed without the written consent of the City.
- 9.3 No supply of electricity to CCTV Camera installation site shall be provided from mobile electricity generators or any similar devices except for solar panels.
- 9.4 No electricity supply to any CCTV Camera installation site shall be connect illegally.
- 9.5 Every power cable and conduit containing an electrical conductor for operation of CCTV Camera installation site must be positioned and attached so that it is not unsightly.
- 9.6 No CCTV Camera installation may be connected to any electricity supply network without prior written permission of electricity supply authority concerned and such permission must on request by an Authorized Official, be presented to him or her by the owner of the CCTV Camera concerned.

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CHAPTER 6

ILLEGAL INSTALLATIONS AND REMOVAL

10. ILLEGALLY INSTALLED CCTV CAMERA

10.1 All illegally installed CCTV Camera on City Property and infrastructure must be removed within thirty (30) days of promulgation of this By-Law.

10.2 All illegal CCTV Camera installed in the Public Space or City Property shall after the expiry of the period referred to in subsection 10.1, such CCTV Camera installation shall be dealt with as provided for in section 12 below.

11. REMOVAL OF ALL ILLEGAL CCTV CAMERA INSTALLATIONS

11.1 Subject to subsection 10 and 11, the City shall remove all illegal CCTV Camera installation erected, within its area and jurisdiction;

11.2 The owner or installer of the CCTV Camera or owner of a private property where such installation are located shall be liable for removal and storage costs that may be incurred by the City;

11.3 Costs of any damage to City property due to illegal installation of CCTV Camera shall be for the account of the CCTV Camera owner, installer or property owner within 30 (days) from the date of such damage or removal, or such other period as may be determined by an Authorized Official;

11.4 In the event of failure by the CCTV Camera Owner, installation on Property Owner to repair damage to or to restore City property to pre-modification condition within the prescribed time period stated in subsection 3, such repair or restoration may be undertaken by the City, the total costs of which will be for the account of the CCTV Camera owner or property owner or installer.

12. APPROVED AND UNREGISTERED CCTV CAMERA IN PUBLIC SPACE AND CITY PROPERTY

12.1 All third-party CCTV Camera systems and CCTV Camera on City property and City structures must be registered with the City within three (3) months from the date of promulgation of this By-Law. All Approved but unregistered CCTV Camera installation must be registered in terms of this By-Law within the period as stated in subsection (1);

12.2 Any CCTV Camera, installation, equipment, system or part thereof not registered in accordance with the provisions of this by-Law within a period referred to in subsection 1, in such event, a compliance notice to the CCTV Camera owner, or property owner shall be issued by an Authorized Official;

12.3 If there is compliance by the CCTV Camera owner or property owner with a notice in compliance with subsection (1), the CCTV Camera installation must be registered within thirty (30) days;

- 12.4 Failure by the CCTV Camera owner or property owner to comply with a such notice so issued by an Authorized Official in terms of subsection (2) within thirty (30) days, and upon expiry of such period, the CCTV Camera and related equipment shall be removed without a court order by the City in an appropriate manner and impounded;
- 12.5 Any CCTV Camera and related equipment impounded in terms of this By-Law must be kept by the City for a period of sixty (60) days from the date of impoundment and an Authorized Official must in writing notify the owner of such installation of impoundment if the address of the owner can be ascertained;
- 12.6 The owner of a CCTV Camera installation so impounded in terms of subsection (4) and (5) may claim such installations subject to payment of a Prescribed Fee;
- 12.7 The City may, if the CCTV Camera installation is not claimed by its owner within the period of sixty (60) days referred to in subsection 5, destroy or otherwise dispose of such equipment or installation in the manner it deems necessary;
- 12.8 The City may recover the Prescribed Fee from any owner who has not claimed his or her CCTV Camera installation equipment.

CHAPTER 7

ADVERTISEMENT, LABELLING, INSURANCE AND INSPECTIONS

13. PROHIBITION OF UNAUTHORISED ADVERTISING ON CCTV CAMERA, LABELLING, RECORDS KEEPING, POST INSTALLATION INSPECTION CERTIFICATION, AND REGULAR INSPECTION

- 13.1 No person may display any form of advertisement on a CCTV Camera installation or equipment, unless he or she has obtained written approval of the City.
- 13.2 All Applicants are obliged to label their Approved CCTV Camera and such labelling to include current CCTV Camera owner and their contact details and shall be affixed and displayed prominently on the CCTV Camera installation.
- 13.3 All Commercial Applicants are obliged to ensure that proper records of all Approved CCTV Camera within the City are provided to the City and kept up to date at all time.
- 13.4 Post CCTV Camera installation, the CCTV Camera owner shall notify the City, and cause an inspection to be conducted by an Authorized Official and submit a Certificate of Completion issued by the Registered Engineer in respect of such installation.

13.5 Regular CCTV Camera inspection may be conducted by an Authorized Official or any other person designated by the City to enforce strict compliance with the provisions of this By-Law or any prescribed conditions of approval.

13.6 Any Authorized Official shall have access to all CCTV Camera infrastructure including the CCTV Camera and the Control Room.

14. **COSTS AND LIABILITY FOR DAMAGES AND INSURANCE**

14.1 All related costs to an Application, including CCTV Camera design costs, application costs, costs to setup, installation, maintenance and securing the CCTV Camera will be borne by the Applicant.

14.2 All related liability including all liability for damages whatsoever caused to City Property, infrastructure, service infrastructure, private property and to persons whether intentionally or due to negligence as a result of CCTV Camera or due to breach of the provisions of this By-Law, prescribed conditions or any other statute or law, will be borne by the owner of the CCTV Camera.

14.3 The City will be exempt from all liability arising from the Application and subsequent Approval, including pre and post installation of CCTV Camera. This provision will also apply upon installation of the CCTV Camera, its operation and post the removal.

- 14.4 Damage to the Applicant's CCTV Camera shall be borne by the Applicant or CCTV Camera owner and the City will not be liable to the applicant or CCTV Camera owner for any damages or costs whatsoever including costs to repair damaged CCTV Camera.
- 14.5 All Commercial Applicants are obliged to take out comprehensive public liability insurance cover to ensure against all possible civil claims and all possible risk that may occur due to breach of the provisions of this By-Law, prescribed conditions or any applicable statute or law.
- 14.6 Such comprehensive public liability insurance must remain in place for as long as the CCTV Camera remains on Site.

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CHAPTER 8

PROVISIONS RELATING TO RESIDENTIAL AND PRIVATE PROPERTY

15. CCTV CAMERA ON RESIDENTIAL OR PRIVATE PROPERTY OTHER THAN CITY PROPERTY WITH A VIEW AT ANY PUBLIC SPACE

- 15.1 The provisions of subsection 15 apply to CCTV Camera installations within the boundary of any residential or private property with a view or an angle to Public Space personal or private security use and not owned by Commercial Applicants for security use.
- 15.2 All CCTV Camera installation within the boundary of residential or private property with a view to or an angle of coverage to a Public Space shall be used only for personal or private security use.
- 15.3 All CCTV Camera installation within the boundary of residential or private property with a view to or an angle of view coverage to a Public Space shall not be used for any unlawful activities, including espionage, reconnaissance, commission of or facilitating commission of any crime, acts of terrorism, intelligence gathering, counter-intelligence, defeating the ends of justice, violations of any human rights provided for in the Constitution including human dignity, privacy, safety and security of person and property, freedom of movement; and general wellbeing of the community through the use of any installed CCTV Camera.

- 15.4 All CCTV Camera installed within the boundary of residential property or private property, for personal private security purposes with a view or an angle of view coverage to Public Space must be registered in terms of this By-Law.
- 15.5 All Applications in terms of this subsection must be submitted under cover of the prescribed Application Form (Schedule 3) and the provisions of section 12 above shall *mutatis mutandis* apply.
- 15.6 All applications in terms of subsection 4 shall provide:
- 15.6.1 the details of the CCTV Camera such as CCTV Camera model and installer;
 - 15.6.2 model number;
 - 15.6.3 the number of CCTV Camera to be installed;
 - 15.6.4 actual location within the boundary of the private property including such documentation, design, information, maps, diagrams and plans as set out in schedule 1(e) full personal and contact details of the property owner.
- 15.7 All applications shall specify and be motivated of the reasons why such CCTV Camera must have a view or angle of view to a Public Space; and attach a declaration by CCTV owner on measures taken to comply with subsection 1, 2, and 3.

15.8 The City shall compile a database of all Registered CCTV Camera within residential or private property with a view or an angle of view or coverage to Public Space shall be kept and managed by the JMPD CCTV Camera Department.

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CHAPTER 9

MISCELLANEOUS PROVISIONS

16. CCTV CAMERA STRUCTURE SPECIFICATIONS FOR COMMERCIAL USE

- 16.1 All Applications for Registration of CCTV Camera must, as a minimum, comply with the prescribed CCTV Camera Structure Specifications or stipulate the CCTV Camera specifications.
- 16.2 The CCTV Camera Structure Specifications as provided by each commercial Applicant must be considered against the Prescribed Structure Specifications of the City.
- 16.3 The CCTV Camera Structures Specifications consideration will include amongst others CCTV Camera housing design, and where applicable the pole design, pole height and a complete design and schematics of the CCTV Camera and CCTV Camera view or angle of view or coverage.

17. HANDLING OF DATA BY COMMERCIAL APPLICANTS

- 17.1 Any reference to data shall include all recorded or captured footage and still imagery.
- 17.2 Each CCTV Camera must record and have Data available or stored for a minimum period of 24 (twenty-four) 72 ?? hours or such longer period as may be provided for in any applicable national or provincial legislation.

- 17.3 Applications in respect of CCTV Camera that are unable to meet the optimal recording requirement prescribed under subsection 2, shall not be approved.
- 17.4 An Authorized Person processing, downloading or extracting data onto a movable media source shall, on request, be required in terms of applicable laws, to provide a statement under oath, as and when so required, confirming such downloading or extraction and transfer, are without altering or manipulating such Data.
- 17.5 All CCTV Camera footage or imagery of captured criminal incidents that require further investigation, shall be kept absolutely confidential in order not to compromise its integrity, stored and locked in a safe place, and where downloading or extraction has been done, a data removal register, tracking such removal and the whereabouts of such downloaded or extracted footage or imagery of captured criminal incidents must be kept and made available to law enforcement agencies authorized to have access thereto by law.
- 17.6 All CCTV Camera footage or imagery is confidential and must be handled in a manner that it is not compromised in any way. All footage or imagery must only be released to South African Police Service or JMPD, with such release and receipt properly registered and documented and kept tracking such footage removal.

17.7 All data captured or gathered through CCTV Camera in Public Space or within private property with the view to or angle of coverage or view to a Public Space must only be used solely for lawful purposes including legitimate security monitoring, policing and law enforcement purposes, which are in the broader community's interest and not in violation captured of any human rights. Repetition of clause 15.2.

17.8 Data gathered through CCTV Camera in Public Space or within private property with a view or an angle of coverage to Public Space shall only be used for law enforcement purported by SAPS and JMPD.

17.9 Except for purposes as stated in subsection 8, no data gathered through CCTV Camera in Public Space or within private property with a view or an angle of coverage to Public Space, must be used for any purposes without the express or written consent of the person who appears on the footage or image or whose property or person appear on such CCTV Camera footage or image.

18. CCTV CAMERA TO BE SECURED FROM ACCESS BY EXTERNAL PARTY

All Commercial Applicants shall secure their CCTV Camera from all unlawful and unauthorized access.

19. **PROCESSING OR USE OF INFORMATION FOR SPECIFIC PURPOSE**

- 19.1 All information or data collected through CCTV Camera must always be used only for the specified lawful purpose, as declared in the Application, with a legitimate aim and necessary to meet the specified purpose.
- 19.2 The Authorized Person must ensure that all information collected through CCTV Camera is not used unlawfully or misused in any manner whatsoever.
- 19.3 The sole use of CCTV Camera data processed must be for protection of life, public or private property, prevention or detection of crime, apprehension and prosecution of perpetrators of crime.

20. **ACCESS TO CCTV CAMERA DATA BY LAW ENFORCEMENT AGENCIES**

- 20.1 The CCTV Camera data including imagery or footage must only be accessible to Authorized Persons, law enforcement agencies, JMPD and SAPS through the relevant empowering law or statute.
- 20.2 A complete record of any access to data gained by Authorized Persons along with certified identity details must be kept and maintained in a register for a period of 12 (twelve) months from date access was gained.

21. DISCLOSURE OF INFORMATION

- 21.1 No data or information collected through the CCTV Camera shall be disclosed or shared with any person, not authorized to have access to such data.
- 21.2 All data or information collected through CCTV Camera must be made available, on demand, to law enforcement agencies, the SAPS or JMPD, mandated under applicable law or statute to obtain data or information for the purposes of prevention, detection, investigation and prosecution of perpetrators of crime.

22. REVIEW OF FUNCTIONING OF THE CCTV CAMERA AND REVIEW REPORT

- 22.1 There shall be a periodic review and assessment, every six (6) months interval of the CCTV Camera to be undertaken by the CCTV Camera owner and documented.
- 22.2 All copies of the review report must be submitted by CCTV Camera owner on demand, in writing to an authorised official within the period specified in the written request.

CHAPTER 10

TRANSITIONAL ARRANGEMENTS

23. IMPLEMENTATION PROGRAMME AND REGULARISATION OF INSTALLED LEGAL CCTV CAMERA

- 23.1 No CCTV Camera installed illegally on City property or in the Public Space within City boundary shall be registered in terms of this By-Law.
- 23.2 All illegally installed CCTV Camera shall be removed from City property or Public Space no later than three (3) months from date of promulgation of this By-Law.
- 23.3 All CCTV Camera installed legally in Public Space or on City property prior to promulgation of this By-Law are required to be registered in terms of this By-Law by no later than the date to be published in the Provincial Government Gazette.
- 23.4 All legal CCTV Camera on private property, forming part of a broader CCTV Camera network of an organization (i.e. recorded and transmitted off-site), monitoring Public Space, must be registered in terms of this By-Law by no later than the date to be published in the Provincial Government Gazette.
- 23.5 All CCTV Camera on private property, monitoring any Public Place, but not forming part of a broader CCTV Camera network (i.e. recorded and transmitted

on-site), must be registered in terms of this By-Law no later than the date published in the Provincial Government Gazette.

- 23.6 All new applications for CCTV Camera installation must be registered following the process as set out in this By-Law.

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CHAPTER 11
GENERAL PROVISIONS

24. PRIVACY OBLIGATIONS

The CCTV Camera owner shall safeguard human dignity, privacy, safety and security of persons and property, freedom of movement; and general wellbeing of the community through the use of any installed CCTV Cameras, and must comply with the other legislative prescripts, including the provisions of Protection of Personal Information Act No 4 of 2013, where applicable.

25. PUBLIC NOTICE OF SURVEILLANCE BY CCTV CAMERA AND SIGNAGE

25.1 All Commercial Applicants are obliged to place signage or signs to warn the members of the public that they are entering a zone or Public Space which is monitored by privately owned CCTV Camera.

25.2 Such signage shall be placed at all key entrance points into the zone or Public Space.

26. PROHIBITION AGAINST AUDIO RECORDING

26.1 No CCTV Camera capable of audio or sound recording shall be registered in terms of this By-Law.

26.2 Audio recording through CCTV Camera in Public Space is strictly prohibited.

26.3 It is an offence and it is illegal for any Commercial Applicant and private property owner to install a CCTV Camera with audio recording capability in Public Space.

26.4 No CCTV Camera shall be used to record any conversation of any members of the public.

27. MAINTENANCE OBLIGATIONS

Maintenance and removal of CCTV Camera

27.1 The CCTV Camera owner is responsible for maintaining the CCTV Camera and the surrounding area to ensure that it does not become unsightly or deteriorate to such a degree that it is in conflict with any provision of this By-Law and any other law.

27.2 The CCTV Camera owner contemplated in subsection 27 above, shall carry out at least two inspections annually of CCTV Camera with the view of satisfying themselves that it has been properly maintained as contemplated in subsection 27 and carry out any necessary maintenance resultant upon such an inspection.

27.3 The CCTV Camera owner contemplated in subsection 27, must keep a written record of any inspection conducted and maintenance carried out in terms of subsection 27 and must retain such record for a period of 5 (five) years and must, on request by an Authorized Official, make such record available for inspection to such Authorized Official.

- 27.4 If, in the opinion of an Authorized Official, any CCTV Camera is in a state of disrepair or is in conflict with any provision of this By-Law or any other law, such Authorized Official shall serve a notice upon the owner of such CCTV Camera requiring him or her, at his or her own cost, to remove the CCTV Camera or take necessary steps relating to the maintenance specified in the notice, within a period so specified, failing which, such Authorized Official may take such steps, which shall include the removal of such CCTV Camera in an appropriate manner, if the CCTV Camera has been erected on City property or on property that is vested in the City in terms of any applicable legislation or on any Public Place within the City.
- 27.5 If, in the opinion of an authorized official, any CCTV Camera has become dangerous and unsafe for whatever reason in that it poses a possible threat to life and/or property, such Authorized Official may, without serving a notice on the owner of the CCTV Camera or the owner of the property concerned, remove and impound such CCTV Camera.
- 27.6 Notwithstanding the powers vested upon the Authorized Official in subsection 27 above and after failure by the CCTV Camera owner to comply with the notice envisaged in subsection 27.4 above, if CCTV Camera is in contravention of any provision of this By-Law or any by-law, it will be deemed illegal and an Authorized Official shall mark the CCTV Camera as illegal by pasting the words "illegal sign" over the entire CCTV Camera.

27.7 The Approval for CCTV Camera in terms of this By-Law shall lapse if the CCTV Camera owner on whom a notice has been served in terms of subsection 27 fails to comply with the requirements of the notice within the period specified therein.

28. COSTS OF REMOVAL

28.1 The costs incurred by the City for the removal and storage of CCTV Camera, and other costs incurred by the City as contemplated in section 27 above, may be recovered from the owner of that CCTV Camera or any other person whose name or activity is displayed on the CCTV Camera, as the case may be.

28.2 If the CCTV Camera has been removed in terms of subsection 1, an authorized official must, in writing, give notice to the owner of that CCTV Camera, if his or her address can be ascertained, of such removal and that he or she may claim the CCTV Camera concerned upon payment of the prescribed penalty.

28.3 Any CCTV Camera which has been removed and stored in terms of this By-Law may be released to its owner subject to payment of a Prescribed Fee.

28.4 Any CCTV Camera removed and not claimed within 60 (sixty) days may be disposed of in any manner by the City.

28.5 The Council shall indemnified against any claim for loss or damage of any CCTV Camera as a result of the removal and impoundment thereof.

29. KEEPING OF DOCUMENTATION RELATING TO APPLICATION

29.1 The CCTV Camera owner must retain certified copies of all documentation relating to the Application and Approval in terms of this By-Law and the approval of the City in terms of any other relevant By-Law including but not limited to Wayleaves By-Law, for as long as CCTV Camera is erected, and must on request by an Authorized Official, present such documentation for inspection.

29.2 Commercial Applicant who is the owner of CCTV Camera, who is not also the owner of the private property on which such CCTV Camera is erected, must provide the owner of that private property with a certified copy of all documentation contemplated in subsection 1 above, relating to such CCTV Camera.

30. PUBLIC PARTICIPATION

30.1 After lodging an Application in terms of section 3 above, the Commercial Applicants must forthwith display a notice in an A3 or larger size format in English on the Installation Site in a conspicuous place clearly visible from any public street provided that no such notice may be displayed during the

period of City's December holiday recess (i.e. being 12 December to 3 January of the following year, both dates included

30.2 The Commercial Applicant must maintain such notice as envisaged in subsection 1 above for a period of at least 21 (twenty-one) days.

30.3 In addition to the on-site notice prescribed in subsection 30.130.1 above, the Commercial Applicant must also forthwith notify all the adjoining property owners in writing by registered post or by any other means available to the Commercial Applicant. Proof of delivery of the notice in terms of this clause must form part of the Application.

30.4 A notice contemplated in subsections .1 and .30.230.2 above must contain the following information:

30.4.1 full details of the Application concerned and that it will lie open for inspection at an address specified in the notice for a period of 21 (twenty-one) days from the date of first display of the on-site notice in terms of subsection 30.1; and

30.4.2 the name, postal address, telephone number, fax number and e-mail address of the Commercial Applicant submitting the application; and

30.4.3 that any person concerned may within a period of 28 (twenty eight) days from date of first display of the notice envisaged in subsection 30.130.1 above submit comments or representations, or lodge an objection, in writing in respect of the application concerned;

30.5 The Commercial Applicant must furnish proof to the City in the form of an affidavit or declaration that he or she has so complied with the provisions of subsections 1 to 4 above and must attach the relevant supporting documents.

30.6 Any person proposing to submit comments or representations or to lodge an objection as contemplated in subsection 4.3 above, must address such comments, representations or objections to both the City and the Commercial Applicant concerned at their respective addresses specified in the notices so contemplated.

30.7 Any comment, representation or objection submitted outside of the 28 (twenty-eight) day period envisaged in subsection 4.4 above, shall not be entertained by the City.

30.8 A Commercial Applicant may choose to reply to the City to any comment, representation or objection received in terms of subsection 4.3 above

within 14 (fourteen) days from date of receipt of such comment, representation or objection.

30.9 The Council may in its discretion exempt a Commercial Applicant from complying with the requirements of subsections 1 to 4 above on good cause shown.

31. **CONSIDERATION OF SUBMISSIONS**

31.1 If any written comments, representations or objections have been received in respect of an Application from any interested party contemplated in section 30.4.3 above, the City must consider all such comments, representations and objections prior to taking a decision on the Application.

31.2 The City shall consider the Application on written submissions only and no formal oral hearing will be conducted.

32. **SERVICE OF NOTICES**

Any notice that is required to be delivered or served by the City for purposes of this By-Law, may be delivered, in any one of the following ways:

32.1 by handing a copy of the notice to the person concerned;

32.2 by affixing a copy of the notice on the CCTV Camera concerned;

- 32.3 by leaving a copy of the notice at the person's place of residence, business or employment with any other person who is apparently at least 16 (sixteen) years old and in charge of the premises at the time;
- 32.4 by faxing or e-mailing a copy of the notice to the person where such fax number or e-mail address is available;
- 32.5 by handing a copy of the notice to any representative authorized in writing to accept service on behalf of the person;
- 32.6 if the person has chosen an address for service, by handing a copy of the notice to a person who is apparently at least 16 years old at that address;
- 32.7 by sending a copy of the notice by registered or certified post to the last- known address of the person concerned, and, unless the contrary is proved, it is deemed that service was effected on the seventh day following the day on which the document was posted;
- 32.8 if the person is a company or other body corporate, by serving a copy of the notice on an employee of the company or body corporate at its registered office or its principal place of business within the Republic of South Africa, or its main place of business in the area of jurisdiction of the City, or if there is no employee willing to accept the service, by affixing a copy of the notice to the main door of the office or place of business; or

32.9 if the person is a partnership, firm or voluntary association, by serving a copy of the notice on a person who at the time of service is apparently in charge of the premises and apparently at least 16 (sixteen) years of age, at the place of business of such partnership, firm or association or if such partnership, firm or association has no place of business, by serving a copy of the notice on a partner, the owner of the firm or the chairman or secretary of the managing or other controlling body of such association, as the case may be.

33. **INSPECTION**

33.1 In addition to any power of inspection which an Authorized Official has in terms of this By-Law, he or she may for any purpose relating to the implementation and enforcement of this By-Law, carry out an inspection of any CCTV Camera wherever situate within the City.

33.2 An Authorized Official must, before the commencement of, or during an inspection in terms of subsection 1, at the request of the owner of the CCTV Camera produce written confirmation of his or her appointment as an Authorized Official empowered to carry our inspections for the purposes of this By-Law.

34. **APPEALS**

34.1 Any interested party whose rights are affected by a decision by an Authorized Oofficial in terms of or for the purposes of this By-Law, may

appeal against that decision to the City Manager or his nominee(s), by lodging a written notice of appeal, specifically specifying the grounds of appeal, within 21 (twenty-one) days of the date on which he or she was notified of a decision taken in terms of this By-Law.

34.2 Upon receipt of a notice of appeal, the City Manager or his nominee must give notice to all other interested parties, if any, that an appeal has been lodged and enquire whether they want to make any further written submissions in respect of the appeal within 14 (fourteen) days from the date of such notification.

34.3 The City Manager or his nominee must consider the appeal on written submissions only and must consider such appeal and take a decision thereon within a reasonable time which must not exceed 90 (ninety) days from date of submission of the appeal or from date of expiry of the 21 (twenty one) day period contemplated in subsection .1 above.

34.4 The City Manager may uphold the appeal, with or without amendments, or dismiss the appeal.

34.5 The City Manager must forthwith after a decision has been taken in terms of subsection 4, in writing, notify the interested party or Appellant thereof.

34.6 The Appellant and any other interested party, if any, may upon being notified of a decision in terms of subsection 5, in writing apply for reasons

for the decision and the City Manager must furnish written reasons to the applicant as contemplated in section 5 of the Promotion of Administrative Justice Act, 2000.

35. OFFENSES AND PENALTIES

Any person who:

- 35.1 contravenes or fails to comply with any provision of this By-Law;
- 35.2 refuses or fails to comply with any notice served on him or her in terms of or for the purposes of this By-Law;
- 35.3 refuses or fails to comply with the terms or conditions of any approval issued in terms of this By-Law;
- 35.4 obstructs, hinders or interferes with an Authorized Official or other official of the City acting under power delegated to him or her, in the exercise of any power or the performance of any duty under this By-Law;
- 35.5 fails or refuses to furnish to an Authorized Official or other official of the Council acting under power delegated to him or her, with any documentation or information required for the purposes of this By-law or furnishes a false or misleading document or false or misleading information;

- 35.6 fails or refuses to comply with any instruction given in terms of or for the purposes of this By-Law; or
- 35.7 impersonate an Authorized Official or other official of the City acting under power delegated to him or her, shall be guilty of an offence and
- 35.8 upon conviction be liable to a fine or imprisonment not exceeding 2 (two) years or to both a fine and such imprisonment and the fine must be calculated according to the ratio determined for such imprisonment in terms of the Adjustment of Fines Act;
- 35.9 a person convicted of an offence under this By-Law who, after conviction, continues with the action in respect of which he or she was so convicted, is guilty of a continuing offence and liable to a fine, or upon conviction, to imprisonment for a period not exceeding (3) three months or to both such fine and imprisonment, in respect of each day on which he or she so continues or has continued with that act or omission; and
- 35.10 nothing in subsection .1 above shall be construed to prevent the City from imposing, in addition to criminal options available, institution of civil proceedings against any CCTV Camera owner who is in contravention of any provision of this By-Law.

36. **TARIFFS**

The City may determine tariffs or charges or surcharges dealing with any aspect, conduct or action in terms of this By-Law and such tariff and/or charges or surcharges shall be published in the Provincial Gazette for information after approval thereof by the City.

37. **SHORT TITLE AND COMMENCEMENT**

This By-Law is referred to as the City of Johannesburg Closed Circuit Television Surveillance Camera By-Law ("**CCTV Camera By-Law**") and will come into operation on date of promulgation of the by-law in the Provincial Gazette.

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