



# **DRAFT OUTDOOR ADVERTISING BY-LAW**

**2017/2018 FINANCIAL YEAR**

## **OUTDOOR ADVERTISING BY-LAW, 2018**

**To provide for the regulation of outdoor advertising on Municipal property and private property; to provide for measures to ensure the health and safety of the public and to protect the environment; to create offences and penalties; to provide for the repeal of laws and savings; and to provide for matters incidental thereto.**

### **PREAMBLE**

**WHEREAS** the Municipality recognises the key role that outdoor advertising plays in business and in the holding of events;

**WHEREAS** the Municipality recognises that the regulation of outdoor advertising is essential in order to—

- (a) promote the image of the Municipality;
- (b) promote civic pride;
- (c) ensure the responsible use of the Municipality's natural environment;
- (d) promote a safe and healthy environment; and
- (e) protect the amenity of the areas under the jurisdiction of the Municipality;

**WHEREAS** the Municipality has competence in term of Part B of Schedule 5 of the Constitution of the Republic of South Africa, 1996 relating to such matters as the control of outdoor advertising;

**AND WHEREAS** the KwaDukuza Municipal Council has competence, in term of Section 156 (2) of the Constitution of the Republic of South Africa, 1996 to make and administer By-laws for the effective administration of the matters which it has the right to administer;

**NOW THEREFORE** the KwaDukuza Municipal Council, acting in term of Section 156 read with Part B of Schedule 5 of the Constitution of the Republic of South Africa, 1996 and read with section 11 and section 12 of the Local Government: Municipal System Act, 2000 (Act No. 32 of 2000), hereby makes the following By-law:

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**ADVERTISING  
KWADUKUZA MUNICIPALITY  
BYLAWS RELATING TO ADVERTISING**

The KwaDukuza Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the Local Government: Municipal Systems Act (Act 32 of 2000) hereby publishes the bylaws as set forth hereafter as bylaws made by the Municipality which bylaws will come into effect on the first day of the month following the date of publication hereof.

**CHAPTER 1**

**INTERPRETATION**

**1. Definitions**

For the purpose of these bylaws, unless the context otherwise indicates:

**“Advertisement”** means any audible or visible representation of a word, name letter, figure or object or of an abbreviation of a word or name, or of any sign or symbol, or any light which is not intended solely for illumination or as a warning against any danger, which has as its object the furthering of any industry, trade, business undertaking, event or activity of whatever nature, on or visible from a public road or public place;

**"Advertising signage structure"** means any physical structure built to display advertising

**“Advertising vehicle”** means a vehicle which has been constructed or adapted for use primarily for the display of advertisements;

**“Aerial advertisement”** means any advertisement displayed or made in the air by the use of a balloon, kite, inflatable, aircraft aeroplanes, kites balloons, rockets, fireworks, micro-lights or by any other means;

**"Aesthetics Committee"** means the Aesthetics Committee of the Municipality established in terms of these Bylaws.

**"Animated advertisement"** means an electric advertisement that contains variable messages in which representation is made by the appearance of movement through an electric light source or beam

**“Applicant”** means, in the case of Locality Bound Advertising, the person by whom an application for permission to erect a sign or display an advertisement is made, which application shall be endorsed by the owner of the premises upon which such advertisement or sign is to be

located and, in the case of Non Locality Bound Advertising, the registered owner of the property upon which the advertisement or sign in respect of which an application is made is to be located.

**"Application"** in relation to advertising sign/s may include all proposed advertising signs

**"Appropriate"** means that the dimension, installation, materials, place and/or supports are suitable for and appropriate in all circumstances of the case in the opinion of the Council or the Authorised Officer

**"Approval"** means approval by the Council or the Authorised Officer in terms of authority delegated by the Council in terms of these Bylaws

**"Area of control"** means the degree of control to be applied to a certain landscape or part thereof which is a refinement of basic landscape sensitivity and includes those areas as defined and set out as maximum, partial or minimum control in the Council's Policy on Outdoor Advertising, in accordance with the visual sensitivity of the area and traffic safety conditions

**"Authorised Officer"** means an official authorised as delegated by council to administer and/or implement these Bylaws;

**"Banner"** means a piece of cloth or similar material on which an advertisement is displayed in such a manner that it is legible in windless conditions and is attached to one or more ropes, poles or a flagstaff that projects vertically, horizontally or at any angle from the building or structure to which it is attached or is attached to a building or other structure, but excludes a banner carried as part of a procession

**"Billboard"** means any screen, board, hoarding, fence, wall or other free standing structures used or intended to be used for the purpose of posting, displaying or exhibiting any remote advertisement

**"Bit"** means the basic unit for measuring the length of advertising messages and may consist of letters, digits, symbols, logos, and graphics of abbreviations. Every 5 letters or numbers (digits) shall be counted as one bit of information and every symbol or logo as half a bit of information.

Words of up to three letters	0.5 bit
Words four to eight letters	1.0 bit
Words of more than eight letters:	2.0 bits
Numbers of up to three digits	0.5 bit
Numbers from three to eight digits	1.0 bit
Numbers more than eight digits	2.0 bits
Logos and symbols	0.5 bit

**“Brand Activation”** means a logo placement in an approved advertising spot focusing on a specific brand, utilizing branding gazebos/flags or any material that is classified as appropriate by Councils Authorized Officer.

**“Candela”** means a unit of luminance as determined from time to time by the International Commission on Illumination.

**“Canopy”** means a rigid roof-like projection from the wall of a building

**“Cantilever”** means a projecting feature that is dependant for its support on the main structure of a building without independent vertical or other supports

**“Change of face”** means an alteration of the content of the advertisement displayed on an approved signage structure

**“Clear height”** in relation to a sign means the vertical distance between the lowest edge of such sign and the level of the round, footway or roadway immediately below such sign;

**“Council”** means the Council of the KwaDukuza Municipality as reflected in current legislation, or its legal successor, or any committee designated by the Council, acting by virtue of a delegated authority vested in him/her or it by the Council in connection with these Bylaws

**“Combination sign”** means a single free-standing advertising structure for displaying information on more than one enterprise and services at locations such as roadside service areas, urban shopping centres and other urban complexes

**Composite sign** means a sign linked to a standardised background of a specific size similar to a poster board on which logos or other tourist-related information can be attached

**“Curtilage”** is the whole of the area of land within the boundaries of the subdivision/s forming the site of any building

**“Depth”** in relation to a sign means the vertical distance between the uppermost and lowest edges of such sign;

**“Directional sign”** in relation to any advertisement or part thereof means that such advertisement or part thereof means that such advertisement or part conveys only the name and, in words, the nature of the industry, trade, business, undertaking or activity which is carried on within the building or premises on which the advertisement appears; and any navigational signs which contains directors, arrows or displays distances to a place, premises or event.

**“Deemed to comply”** means that if an advertising signage structure meets certain specified criteria it may be deemed to satisfy the requirements of the Counsel for consent purposes



**"Designated areas"** are areas of maximum, partial or minimum control that shall be designated in the policy for the display of various types of advertising signs as amended from time to time

**"Display"** means to erect and/or expose an advertising sign, image or structure to the public view by any method whatsoever.

**"Display window"** means a unit of fenestration filled with glass, polycarbonate or other suitable glazing material which is in an external wall of the basement storey, ground storey or mezzanine storey of a residential building or shop and which faces a street or public place;

**"Durable material"** means material suitable for advertising which is long-lasting, hard-wearing, resistant, strong, sturdy, imperishable and able to withstand wear and tear.

**"Election advertisement"** means any advertisement used in connection with any national, provincial or municipal election, by-election or referendum

**"Electronic Sign"** means a sign that has an electronically controlled, illuminated display surface which allows the advertisement to be changed, and animated or illuminated in various ways.

**"Encroaching sign"** means a sign or portion of a sign which extends over Council property

**"Environmental Impact Assessment"** in relation to outdoor advertising means an assessment of the impact that an advertising sign or structure may have on the visual, social and traffic safety aspects of the specific environment

**"Estate agents' board or show sign"** means an advertisement displayed on a sign which is erected on property belonging to or vested in the Municipality and which displays only the name of the selling agent, the words "show house" or "open house" or other words indicating that a house or flat for sale is on view, and an arrow indicating the route to such house or flat, and such other information as the Authorised Officer may approve;

**"Event"** means an occasion organized for the general public;

**"Fascia advertisement"** means an advertisement which is directly displayed or painted on the front of a canopy or veranda beam;

**"Fascia sign"** means a sign which is directly affixed to the front or sides or both the front and one or more sides of a canopy or veranda beam

**"Flag"** means an advertisement or sign displayed on a cloth, canvas, PVC or like material which is attached to a staff or pole with no rigid fixings

**“Flashing advertisement”** means an electric advertisement which intermittently appears and disappears as a result of the electric current being successively switched on and off or for some other reason;

**“Freeway”** means a National road that has been designated as a freeway by an appropriate Road Traffic sign in terms of the National Road Traffic Act;

**"Gantry sign"** a gantry is a structure which is mounted on both sides of a road surface within the road reserve or on private property adjacent to the road reserve. A cantilever gantry is a structure mounted with an overhang onto a road, erected within the road reserve only on the median of a divided dual carriageway. An advertisement is affixed to the structure so as to be visible for traffic passing underneath the structure

**"Gore"** means the point at which the left edge of the main road meets the right edge of an on-ramp or off-ramp at an interchange

**“Ground sign”** means a self-supporting sign embedded and fixed in the ground and which is not attached to a building or a wall;

**“Illuminated advertisement”** means an advertisement which is illuminated by any means whatsoever, including electrical current, or is otherwise made luminous;

**“Information Sign”** means a very legibly printed and very noticeable board that informs people of the purpose of an object, or gives them instruction on the use of something.

**“Length”** means the horizontal measurement of a sign from one end to the other;

**"Locality-Bound Sign"** means a sign displayed on a specific premises or site, which refers to an activity, product or service located on the premises or site

**“Municipality”** means the KwaDukuza Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any Official who has delegated powers in terms of Section 59 of the Local Government Municipal Systems Act (Act 32 of 2000);

**“Natural landscape”** means relatively unspoilt areas outside urban areas such as natural parks, game reserves, nature reserves, marine reserves, wilderness areas and extensive agriculture and scenic corridors.

**"Non-Locality Bound Sign"** means that the content of such advertisement is unrelated to any activity, product or service being undertaken on the premises or site on which such advertisement is displayed

**"Non-profit organisation"** is an organisation established to promote social goals without the personal financial gain of any individual or profit making commercial organisation involved, which has obtained the relevant certificate from National Government

**"Occupier"** includes any person in actual occupation of land or premises without regard to the title under which he/she occupies

**"Outdoor Advertising Policy"** means the policy adopted by the Council to regulate and control outdoor advertising within the Municipality's area of jurisdiction;

**"Outdoor Advertising Sign"** means any screen, fence, wall, structure or other object or device, whether freestanding, attached to any other wall or structure or in the air, intended to display an advertisement with the object of transferring information out of doors and "signs" shall have a corresponding meaning;

**"Overall height"** in relation to a sign, means the vertical distance between the uppermost edge of such sign and the level of the ground, footway or roadway immediately below such sign;

**"Owner"** in respect of a sign means the owner of the sign or of the premises on which it is displayed or the person in possession of or having control over the sign or the premises

**"Pamphlet"** means any pamphlet, hand brochure or book, the object of which is to advertise or to introduce anything;

**"Peace Officer"** means a law enforcement officer, which may include a variety of positions responsible for enforcing laws, such as police, probation officers;

**"Permanent sign"** means a sign that may be displayed for a period of a maximum 5 (five) years or any other period approved by the relevant controlling authority

**"Portable board"** is a self-supporting sign or any other collapsible structure which is not affixed to the ground and which is capable of being readily moved

**"Posters"** means any placard intended to be temporarily displayed in a street or public place as an announcement of a meeting, function or event

**"Premises"** means any building together with the land on which such building is situated

**"Private Seller"** means any person who offers property for sale on his or her behalf;

**"Projected sign"** means any sign projected by a cinematograph or other apparatus but does not include a sign projected onto the audience's side of a drive-in cinema screen during a performance

**"Projecting sign"** means any sign which is affixed at right angles to a wall of to a building and protrudes the whole of which sign projects more than 300mm from the wall of such building and which is not a sky sign;

**"Provincial Gazette"** means the official Gazette of the province concerned;

**"Public place"** means—

- (a) a public road;
- (b) any parking area, square, park, recreation ground, sports ground, swimming pool, sanitary lane, open space, beach, shopping centre on municipal land, unused or vacant municipal land or cemetery which has—
  - i. in connection with any subdivision or layout of land into erven, lots or plots, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, lots or plots, whether or not it is shown on a general plan, plan of subdivision or diagram;
  - ii. at any time been dedicated to the public;
  - iii. been used without interruption by the public for a period of thirty years or more;
  - iv. at any time been declared or rendered as such by the Municipality or other competent authority;
- (c) a municipal property, premises or facility which the public has access to, but will not include land that has been leased or otherwise alienated by the Municipality;

**"Public road"** includes all roads, which are owned by, vests or is under the control of the municipality, provincial or national government and to which the general public has access to, and includes –

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

**"Pylon sign"** means any sign whether stationary or actuated, displayed on or forming an integral part of a pylon or mast or similar structure other than a building or advertising hoarding.

**"Return wall"** means any external wall of a building, or any other wall, which faces any boundary, other than a street façade line, of the premises upon which such wall is situated

**"Road reserve"** means the area contained within the statutory width of a road.

**"Road Traffic Act"** means the National Road Traffic Act, 1996 (Act No. 93 of 1996) and the Regulations promulgated in terms of that Act, as amended from time to time

**"Road traffic sign"** means any road traffic sign as defined in the Road Traffic Act

**"Road verge"** means the section between the boundary of the property and the roadway of any street, road or thoroughfare shown on the general plan of a township, agricultural holding or other division of land in respect of which the public have acquired a prescriptive or other right of way, and any other word or expression to which a meaning has been assigned in the Road Traffic Act, 1996 (Act 93 of 1996), shall have that meaning;

**"Roof sign"** means a sign on the roof of a building lower than six storeys and which building is used for commercial, office, industrial or entertainment purposes only

**"SAMOAC"** means the South African Manual for Outdoor Advertising Control, a national guideline document compiled and published in 1998 by the Department of Environmental Affairs and Tourism, and as amended from time to time

**"Sandwich board"** is a portable, double-sided, free-standing, vertically displayed sign standing on the ground;

**"Scaffold"** means any temporary elevated platform and supporting structure used for providing access to and supporting workmen or materials or both;

**"Selling agent"** means any person who offers property for sale on behalf of another;

**"Sign"** means any signboard, structure; device or thing intended or adapted for the display of any advertisement and includes that portion of a building on or onto which an advertisement is painted, written or projected;

**"Signalised traffic intersection"** means an intersection controlled by traffic lights

**"Sky sign"** means a sign erected or placed on or above the parapet or any portion of the roof of a building and a sign any portion of which extends above such parapet or portion of roof but excludes a sign painted on the roof of a building; on top of a skyscraper higher than six storey's located within the municipal area and which forms an important landmark

**"Specific consent"** means the written approval of the Council and any other relevant Local authority, Provincial or National Government which requires a submission of a formal application

**"Street"** excludes an arcade which is wholly within one or more buildings

**"Street furniture"** means public facilities and structures which are not intended primarily for but can accommodate advertising and includes seating benches, planters, sidewalk litter bins,

pole-mounted bins, bus shelters, sidewalk clocks and drinking fountains, but excludes road signs, traffic lights, street lights, or any other road-related structures

**"Street name signs"** mean pole-mounted, double sided, internally illuminated advertisements displayed in combination with street naming

**"Systems Act"** means the Local Government: Municipal Systems Act, No. 32 of 2000 (As amended)

**"Temporary sign"** means any sign or advertisement displayed for a temporary period at the discretion of the KwaDukuza Municipality

**"Thickness"** means the horizontal dimension measured through a sign at right angles to the length;

**"Tri-vision"** means a display which, through the use of triangular or louver construction, permits the advertising of three different copy messages in a predetermined sequence

**"Under-awning canopy sign"** means a sign suspended or attached to the soffit of under a canopy or veranda;

**"Veranda"** is a roofed structure attached to or projecting from the façade of a building and supported along its free edge by columns or posts

**"Visual zone"** means the road reserve of a road and any area that is visible from any spot on such road reserve, but does not include an area situated at a distance of more than 250m from the road reserve boundary of a freeway in an urban area

**"Wall sign"** means a sign, other than a projecting sign which is directly attached to an external wall of a building, or on a wall external to and not part of a building;

**"Yellow line break point"** means the point at which the yellow left edge line on a main road meets with the continuity line at an on-ramp or off-ramp at an interchange

**"Zone"** means an area or a region distinguished from adjacent parts by a distinctive feature or characteristic.

## **2. Interpretation of By-Law**

In the event that there is a conflict of interpretation between the English version of this By-law and a translated version, the English version prevails. The purpose of this By-law is to regulate advertising and the use of signs in a manner which—

- (1) promotes the image of the KwaDukuza Municipality;

- (2) promotes civic pride;
- (3) ensures the responsible use of the Municipality's natural environment;
- (4) promotes a safe and healthy environment;
- (5) promotes the safety of society attending events within the area of jurisdiction of the Municipality;
- (6) promotes the amenity of the area of jurisdiction of the Municipality; and
- (7) allows for appropriate penalties in the event of non-compliance with this By-law.

### **3. Application of By-Law**

This By-law applies to all areas which fall under the jurisdiction of the KwaDukuza Municipality and is binding on all persons to the extent applicable.

## **CHAPTER 2 GENERAL CONDITIONS AND PRINCIPLES**

The conditions and principles contained in this sub-section are relevant to all sign types with certain exceptions as indicated.

### **4. Amenity And Decency**

- (1) No sign, as permitted by the by-laws, shall in the opinion of the Authorized Officer:
  - (a) Be detrimental to the environment or to the amenity and local character of a human living environment by reason of size, shape, colour, intensity of illumination, quality of design or materials or for any other reason;
  - (b) Unreasonably obscure, partially or wholly, any sign owned by another person previously erected and legally displayed; or
  - (c) Be in its content objectionable, indecent or suggestive of indecency or prejudicial to the public morals.
- (2) No sign or advertisement shall be displayed if deemed unacceptable by the Advertising Standards Authority of South Africa (ASA).

### **5. Aesthetic**

- (1) An outdoor advertising sign may not be detrimental to the built or natural environment, detract from buildings or natural features, conflict with the harmony of any existing environment or detract from the general amenity of the neighbourhood.
- (2) An outdoor advertising sign must—
  - (a) be suitable for the environment in which it is to be displayed;
  - (b) be suitably placed so as to achieve an uncluttered effect;
  - (c) be constructed, executed and finished in an appropriate manner so that the structure and content of the sign is neat; and
  - (d) consist of durable materials suitable for the function, nature and permanence of the

outdoor advertising sign.

## 6. Safety

- (1) No advertisement or advertising structure, as permitted by the By-laws, –
- (a) shall, in the opinion of the controlling authority, constitute a danger to any person or property,
  - (b) shall, in the opinion of the Municipal Roads Department or its Authorized Authority, be so placed or contain an element which distracts the attention of drivers in a manner likely to lead to unsafe driving conditions;
  - (c) shall, in the opinion of the Roads Authority, be illuminated to the extent that it causes discomfort to or inhibits the vision of approaching pedestrians or drivers;
  - (d) shall be attached to a road traffic sign or signal, combined with a road traffic sign or signal [unless specifically provided for in the Southern African Development Community Road Traffic Signs Manual (SADC-RTSM) or the South African Road Traffic Signs Manual (SARTSM)], obscure a road traffic sign or signal, create confusion with a road traffic sign or signal, interfere with the functioning of a road traffic sign or signal or create a road safety hazard in the opinion of the Roads Authority;
  - (e) shall, in the opinion of the Roads Authority, obscure a pedestrian's or driver's view of pedestrians, road or rail vehicles and features of the road, railway or pavement such as junctions, bends and changes in width;
  - (f) shall project over a pedestrian or cycle circulation route, unless the clear height of such sign exceeds 2,3m;
  - (g) shall obstruct any fire escape or the means of egress to a fire escape or obstruct or interfere with any window or opening required for ventilation purposes;
  - (h) shall exceed the minimum clearance with regards to overhead power lines as prescribed in Regulation 15 of the Electrical Machinery Regulations (GN R1593 in GG. 11458 of 12 August 1988 as amended). (Permission must be obtained from the relevant supply authority before any advertising structure may be erected in a power line servitude);
  - (i) shall, if affixed or attached, be affixed or attached in any way that may constitute a danger to the public.
- (2) Signs or advertisements positioned along roads and specifically targeting the road user shall be concise and legible and shall comply with the following requirements:
- a) Taking into account the definition of "**Bit**" which means the basic unit for measuring the length of advertising messages and may consist of letters, digits, symbols, logos, and graphics of abbreviations. Every 5 letters or numbers (digits) shall be counted as one bit of information and every symbol or logo as half a bit of information. The following table shall be utilized:



Words of up to three letters	0.5 bit
Words four to eight letters	1.0 bit
Words of more than eight letters:	2.0 bits
Numbers of up to three digits	0.5 bit
Numbers from three to eight digits	1.0 bit
Numbers more than eight digits	2.0 bits
Logos and symbols	2.5 Bit

- b) No sign displaying a single advertisement or message shall exceed 10 “bits” of information. No combination sign or any other sign displaying more than one advertisement or message shall contain more than 6 “bits” of information per enterprise, service or property or per individual advertisement or message displayed on a combination sign. Every 5 letters or numbers (digits) shall be counted as one bit of information and every symbol or logo as half a bit of information.
- c) All street numbers indicating specific premises shall have a minimum size of 200 mm and a maximum size of 500-750 mm.
- d) No message shall be spread across more than one sign or sign panel.
- e) The colours red, amber or green shall not be displayed on any advertisement or sign which is positioned within the line of sight of any traffic signal aspect, if viewed from a distance where the relevant aspect should be conspicuous, as required in Volume 3 of the South African Road Traffic Signs Manual.

## 7. Illumination

- (1) An outdoor advertising sign may not exceed the maximum luminance levels per square metre as set out in the Table below:

<b>Illuminated Area</b>	<b>Maximum Luminance</b>
Less than 0,5 m <sup>2</sup>	1000 candela per m <sup>2</sup>
0,5 to 2,0 m <sup>2</sup>	800 candela per m <sup>2</sup>
2,0 to 10 m <sup>2</sup>	600 candela per m <sup>2</sup>
10 or more m <sup>2</sup> in visual zones	350 candela per m <sup>2</sup>
10 or more m <sup>2</sup> in other areas	400 candela per m <sup>2</sup>

- (2) An electronic and illuminated outdoor advertising sign may not be so placed or contain

an element which distracts or hinders the attention of drivers in a manner likely to lead to unsafe driving conditions.

- (3) An electronic and illuminated outdoor advertising sign must be positioned in such a manner to ensure effective distribution of light and to minimise light wastage or spill.
- (4) An outdoor advertising sign may not be illuminated on a freeway, irrespective of the area of control, unless the freeway is lit by overhead lighting over the full distance within which the advertisement sign is visible from the freeway.
- (5) The extent of illumination of an outdoor advertising sign may not cause discomfort, harm or danger to any person.
- (6) The light source emanating from floodlights shall not be visible to traffic travelling in either direction.
- (7) Floodlighting shall be positioned to ensure effective distribution and to minimise light wastage or spill.
- (8) In respect of freeways, irrespective of the area of control, billboards, temporary advertisements, product replicas and three-dimensional signs, roof signs, flat signs, signs painted on walls and roofs, signs incorporated in the fabric of a building, advertising on towers, bridges and pylons, advertisements on construction site boundary walls and fences, aerial signs, and trailer advertising may not be illuminated in any way unless the freeway is lit by overhead lighting over the full distance within which the advertisement sign is visible from the freeway.

#### **8. Position And Location Of Outdoor Advertising Signs**

- (1) The position of an outdoor advertising sign must be in accordance with the provisions of the National Road Traffic Act, this By-law , any other applicable law and must be subject to the approval of the Municipality
- (2) Advertising signs may not be—
  - (a) positioned on a road island or road median unless they are street name advertisements;

- (b) suspended across a road with the exception of signs permitted on bridges across certain urban roads other than freeways or highways, advertising on towers, bridges and pylons as well as banners suspended across urban roads other than freeways and as part of a street-scaping project; or
  - (c) erected within or suspended above a road reserve or within the limited use area outside the road reserve boundary or freeways.
  - (d). Vehicular advertising (Security Companies/Estate Agency Vehicles/ mobile trailers or relevant) is not allowed to park on any Council Property, or verges for any marketing and activation purposes unless prior approval is received in writing from the Authorised Officer and relevant approvals received from all stakeholders. Areas along National Roads will require SANRAL Approval, areas along Provincial Roads will require Department of Transport Approval, and private property will require consent from property owners.
- (3) Sponsored road traffic projects, tourism signs, and citi-lites may be allowed within all road reserves subject to approval by the Municipality.
- (4) Temporary advertisements such as project boards which concern road construction may be allowed within all roads reserves.
- (5) Posters and advertisements on street furniture, banners and flags, suburb-name advertisements, projecting signs, veranda, balcony, canopy and under awning signs and functional advertisements by organs of state or state owned enterprises may be allowed within all urban road reserves other than freeways subject to the approval of the Municipality
- (6) Temporary advertisements such as pavement posters and notices, street name advertisements, and signs on bridges may be allowed within urban road reserves other than freeways, but only in urban areas of minimum and partial control.
- (7) Neighbourhood watch and similar schemes signs may be allowed within road reserves other than on freeways in urban, rural, and natural environments subject to approval by the Municipality.

- (8) Flat signs, projecting signs, and veranda, balcony and under awning signs, may be allowed within the limited use area along freeways if the main building housing an enterprise is within 50m from the road reserve boundary of a freeway and if there is no other appropriate means of indicating that particular enterprise facing another public road carrying through passing traffic.
- (9) The Municipality may within visual zones, with regards to advertising restrictions on freeways, identify areas in which relaxation may be allowed to change the area of control of such visual zone, and in such instances, the Municipality may also stipulate any term and conditions it deem fit.
- (10) Advertising signs may not be permitted within a restricted area at street corners, with the exception of temporary window signs, street name advertisement, flat signs, projecting signs, veranda, balcony and under awning signs, window signs, signs incorporated in the fabric of a building and illuminated signs within restricted areas at signalised street corners which signs have a clear height of at least 6m if such signs contain the colours red, green or amber.
- (11). Any immovable advertising signs that is erected within the set building lines of a property will require a relaxation from Town Planning.
- (12). any immovable structure or advertising sign within the road verge requires an encroachment application from Town Planning.
- (a) Signs within road reserves (including site boundary signage) shall be restricted to the absolute minimum. The following principles shall be applied in this regard:
- (i) In order to prevent advertising clutter and information overload within the immediate road environment, which may compete with road signs and signals, masses of smaller signs should be avoided by allowing a limited number of acceptable signs of larger proportions instead.
  - (ii) If the display of any advertisement or sign within a road reserve, is not in the general interest of the public, traffic safety principles will dictate whether such as sign can be allowed or not.
- (b) Restricted areas at street corners should be seen as the most sensitive areas in terms of road safety and the consideration of any sign in such areas shall take place with the discretion of the Authorized Officer.

## **9. Temporary Outdoor Advertising Signs**

- (1) Any person who wishes to display a temporary outdoor advertising sign must apply to the Municipality for a permit to display the temporary sign.
- (2) A temporary outdoor advertising sign may only be used in connection with an event or at the discretion of the authorised officer.
- (3) A temporary outdoor advertising sign may be displayed for a prescribed period of time which shall be 14 (fourteen) days from the date of approval.  
and must be removed within 3 (three) days after the event has taken place

## **10. Temporary Directional Signs**

A temporary directional sign may not be misunderstood to represent a road traffic sign due to any

factor, including the following—

- (a) any form of arrow or other directional device;
- (b) any symbol, logo or other devised as used on a road traffic sign;
- (c) use of combination of colours specified for road traffic signs; or
- (d) statements call for a driver to turn off the route on which he or she is travelling or to make a U-turn.

## **11 Electrical And Fire Prevention Requirements**

- (1) An electronic and illuminated outdoor advertising sign, including its supporting structure must be constructed entirely of non-combustible materials and must be installed in accordance with any necessary provisions of the Municipality's By-laws dealing with electricity and electricity supply, the Code of Practice for the wiring of premises in accordance with the South African Bureau of Standards (SABS), any applicable legislation and any policy adopted by Council regulating electricity requirements for illuminated signage.
- (2) An electronic and illuminated outdoor advertising sign—
  - (a) shall have power cables and conduit containing electrical conductors positioned and fixed so that they are not unsightly in the opinion of the

- controlling authority;
- (b) shall be constructed of material which is not combustible;
  - (c) shall be provided with an external switch in an accessible position whereby the electricity supply to the sign may be switched off; and
  - (d) shall be wired and constructed in accordance with and subject to the provisions of the controlling authority's electricity supply by-laws and any other legislation applicable to electric signs.;
  - (e) be provided with an external weather proof isolator in an accessible position and at a height of at least 3m from the ground where the electricity supply to the advertisement may be switched off;
  - (f) contain a maximum of six bits of information displayed at any instant in time;
  - (g) contain a maximum height of text of 500mm; and
  - (h) have a clearance to the underside of the sign of 2.2m where such sign is over a pedestrian path.

(3) The installation and maintenance of an electronic or illuminated advertising sign may only be conducted by a registered electrician who shall at the request of the owner or Municipality issue a certificate confirming he or she is satisfied that the wiring and installation is in accordance with the provisions of all applicable laws.

(4) If an outdoor advertising sign is to be displayed on premises in a hazardous location as contemplated in SANS 10108 or on premises where flammable liquids and flammable gases are manufactured or stored in an outdoor location, the owner and the permit holder must ensure compliance with SANS 10108.

(5) No movement of the electronic sign face is permitted except for the instant change from one message to another and the duration of the continuous display of each message shall not be less than 30 seconds.

(6) Adequate provision must be made for the drainage of all outdoor advertising signs.

## **12 Structural Requirements**

(1) An outdoor advertising sign must be properly–

- (a) constructed and erected; and
- (b) secured, fixed and anchored, to the satisfaction of an engineer who is responsible for the design, supervision and certification of the display of the sign.

- (c) A sign, including its supports and frameworks, must be constructed of non-combustible, durable and safe materials, suitable for the particular design of the sign in accordance with the applicable laws.
- (d) Adequate provision must be made for the drainage of all outdoor advertising signs.
- (e) The supporting structure of any sign must be neatly constructed, designed and supervised by an engineer as an integral part of the design of the sign, or be otherwise concealed from view to the satisfaction of the Municipality.
- (f) No free-standing outdoor advertising sign exceeding 3.4m in height may be built without a certificate from an engineer confirming that the sign is structurally stable and safe.
- (g) The Municipality may at any time require that an engineer certify that the–
  - (i) design of an advertising sign and supporting structure is structurally stable and safe; and
  - (ii) completed advertising sign and supporting structure is structurally stable and safe.
  - (iii) The supporting structure may only be erected once the Municipality has granted its approval for the erection of the sign in term of the National Building Regulations.

**12.1.Signs Not Described In These Bylaws**

The Municipality may approve an application through the Authorised Officer to erect a sign that is not referred to in these by-laws after having considered the application in terms of an Outdoor Advertising Policy that the Municipality determines from time to time.

**12.2. Access to Premises**

An authorized agent or employee of the Municipality acting in the course of and within the scope of his/her duties has the right to enter into and upon any premises at any reasonable time to inspect a sign and to request that approval for the sign be furnished by the owner of the sign within 14 working days of such inspection.

**12.3.High Impact Signs**

(1)The spacing of all high impact signs shall be as follows; unless specifically stated otherwise:

On a road where a speed limit of more than 80 km/hour has been Imposed	At least 250 metres apart
On a road where a speed limit of more than 60 and up to 80 km/hour has been imposed	At least 200 metres apart
On a road where a speed limit of 60 km/hour or less has been Imposed	At least 120 metres apart

- (2) *High impact signs may not be permitted within 100 m radius from the centre of an existing intersection of arterial roads; and may not be permitted within 50 m radius on a lower order road from the centre of an existing intersection of an arterial road and any lower order road; or on a lower order road between two lower order roads.*

In the case where traffic lanes merge or diverge, the Municipality may increase the distance requirements from an intersection.

- (3) *The spacing of high impact signs in relation to gantry signs shall be at least 200m.*

## **CHAPTER 3**

### **DIFFERENT SIGN TYPES AND APPLICATIONS FOR APPROVAL**

#### **13. Permanent or Fixed Advertising and signs**

##### **13.1. Applications**

- (1) Any person who wishes to–

- (a) display an outdoor advertising sign; or
- (b) alter an existing outdoor advertising sign,

other than an exempted outdoor advertising sign, must make a written application to the Municipality for a permit to display or alter the sign.

- (2) A written application for a permit contemplated in subsection (1) must –

- (a) be lodged in duplicate on the prescribed form;
- (b) contain the requirements for the type of outdoor advertising sign applied for;
- (c) include payment of the prescribed fee and where applicable, a deposit;
- (d) include a locality plan indicating the proposed position of the outdoor advertising sign;
- (e) include additional drawings, diagram, Environmental Impact Assessments in respect of Billboards exceeding 36m<sup>2</sup>, photographs and approved building plans which are necessary in the opinion of the Municipality to reflect the true nature and scope of the application;
- (f) include any assessment, consent or approval which may be required by the Municipality in respect of the application;
- (g) include any further documents, engineering certificates or any other information required  
that particular outdoor advertising sign;
- (h) proof of compliance with any other applicable legislation;
- (i) include authorisation from an organ of state or state owned enterprise if required for that



- type of sign;
- (j) where applicable, include a copy of the Title Deed of the premises on which the sign is to be displayed;
  - (k) provide a copy of the applicant's latest municipal consolidated billing account;
  - (l) Copy of any applicable lease agreement; and
  - (m) An address at which notification or service of a document may be delivered, including a physical address, facsimile address or e-mail address.
  - (n) Provide proof of insurance and public liability of not less than R 10 000 000-00 (ten million rands) or as directed by the authorised Municipal officer.
  - (o) Be in compliance with the Provisions of the National Building Regulations.
    - (p) Any immovable advertising signs that is erected within the set building lines of a property will require a relaxation from Town Planning.
    - (q) Any immovable structure or advertising sign within the road verge requires an encroachment application from Town Planning.
- (3). Every application must where applicable include the written consent of the owner of the premises on which an outdoor advertising sign is to be displayed, as well as the owner's written undertaking to be bound by this By-law and to indemnify the Municipality in the event of non-compliance with this By-law.
- (4) The Municipality must take into account the following factors when considering an application for a permit–
- (a) the type of outdoor advertising sign to be displayed;
  - (b) the provisions of this By-law;
  - (c) any Area of Control as per Annexure A hereto and accompanying schedule of conditions, issued by the Municipality in terms of this By-law;
  - (d) any other applicable law; and
  - (e) any other consent or authorisation which may be required by an organ of state, state owned enterprise or line department of the Municipality.
- (5) The Municipality must consider an application for a permit to display or alter an outdoor advertising sign and may–
- (a) approve it subject to any conditions including, but not limited to, the period of validity of the permit;
  - (b) request that additional information or required amendments be furnished within a specified time frame; or
  - (c) Reject the application.
- (6) An application for a permit in respect of which the Municipality has requested additional information or required amendments must be deemed to have been refused if–
- (a) such additional information has not been submitted; or

- (b) the required amendments have not been effected to the satisfaction of the Municipality within 90 days after the date of request for additional information or required amendments was made.
- (7) A permanent applicant is required to pay the prescribed application fee, and annual display fees from the date of approval of the application. Annual Display Fees will continue to be charged to an applicant for the signage, unless the Municipality receives in writing that the approved signage has been removed and a site inspection must be conducted.
- (8) The Authorised Officer may determine that a specific permanent application must be renewed on an annual basis, were the application fee and annual display fee will apply.
- (9) The Municipality must within 21 days from the date of a decision in terms of subsection 5(a) above in writing, notify the applicant of its decision and must provide written reasons for its decision on receipt of a written request by the applicant.
- (9) The Municipality must for its record purposes retain every application, plans, drawings and other documentation submitted in terms of subsection (2) in accordance with the National Archives and Records Service of South Africa Act, 1996 (Act No. 43 of 1996) and any other applicable legislation or policies regulating the retention of records.
- (10) Permanent or fixed advertisements or signs –
- (a) Subject to the provisions of these bylaws and any other applicable law, no person shall erect, alter, display or maintain or cause or permit to be erected, altered, displayed or maintained any permanent or fixed advertisement or sign which is visible to the public except under or in accordance with the prior written approval of the Authorized Officer.
- (b) No person shall erect, alter, display or maintain or cause or permit to be erected, altered, displayed or maintained any permanent or fixed audio advertisement that can be heard in any street or public place, except under and in accordance with the prior written approval of the Authorised Officer.

### **13.2. Indemnity**

- (1). A person who applies for a permit to display or alter an outdoor advertising sign must–
- a) indemnify the Municipality against any claim arising from the display of the outdoor advertising sign; and
- b) where application has been made for an outdoor advertising sign to extend beyond the boundary of any street or public place, in addition indemnify the Municipality in respect of any claim arising from such encroachment.

### **13.3. Application fees and levies**

(1) The Municipality is entitled to charge any person who applies for a permit to display or alter an outdoor advertising sign an application fee on submission of each application as may be prescribed in accordance with the tariff of charges applicable at any given time.

- a) The Municipality may provide for a pre-assessment process in term of which the balance of the application fee is only payable after a non-locality advertising sign has been pre-approved by the Municipality.
- b) All approved signs on private property will be charged an annual levy in accordance with the tariff which amount shall be determined in terms of a Council resolution.
- c) Approved signs on municipal property will be charged a prescribed levy in accordance with the tariff, and where applicable, in terms of written agreements or contracts entered into by the Municipality and the contracting party.

#### **13.4. Display of approved outdoor advertising signs**

- (1) A person may not display or alter an outdoor advertising sign except in accordance with this By-law and any conditions imposed by the Municipality as contained in the permit.
- (2) The owner and permit holder are jointly responsible for undertaking and completing, within the time limits specified in the permit, the display of an approved outdoor advertising sign and its supporting framework.
- (3) Any person who displays an approved sign must notify the Municipality within 14 days of such sign being erected.
- (4) If an approved sign in term of subsection (2) is not erected within the specified time limits in term of the permit, or any further period which the Municipality on good cause shown allows in writing, the approval lapses and a new application must be submitted.

#### **13.5. Amendment of conditions and suspension or withdrawal of permits**

- (1) The Municipality may withdraw a permit, or impose additional conditions on the display of an outdoor advertising sign, if the sign has become a nuisance, is offensive or is a threat to the safety of persons or property.

- (2) If the Municipality is of the opinion that there are reasonable grounds, including any contravention of the conditions imposed in terms of a permit, for suspending or withdrawing a permit to display an outdoor advertising sign, or imposing additional conditions on the display of an outdoor advertising sign, the following procedure must be followed:
- (a) The Municipality must give the permit holder and the owner at least 21 days written notice of the Municipality's intention to suspend or withdraw the permit; the notice referred to in paragraph (2) must include—
- (i) a statement setting out the nature of the proposed action;
  - (ii) the reasons for the proposed action;
  - (iii) an invitation to make written representations on the matter within a prescribed period;
  - (iv) an address at which representations may be submitted; and
  - (v) the date, time and place of a hearing, which may not be less than 15 days from the date of the notice, to consider the suspension or withdrawal, and an indication that the permit holder and the owner may submit representations and appear at the hearing.
- (b) The permit holder and the owner must be given an opportunity, either personally or through his or her duly authorised representative, to appear at a hearing and make representations.
- (c) If the permit holder and owner wish to appear at a hearing and to oppose the proposed action, he or she must, within seven days of receiving the notice or within a further period that the Municipality may allow, submit representations in writing to the address indicated in the notice.
- (d) The Municipality must give a ruling on whether or not to suspend or withdraw the permit, or impose additional conditions, and must give the permit holder and the owner reasons for the ruling in writing not later than 14 days after the date of the conclusion of the hearing.

### **13.6. Permit is non-transferable**

- (1) A permit to display or alter an outdoor advertising sign is non-transferable and may not be leased, sold, exchanged or otherwise disposed of.
- (2) Notwithstanding the period of validity for such permit, the permit shall lapse when the permit holder ceases to occupy the premises or conduct the business or undertaking to which the sign relates.

### **13.7. Lapsing of permits**

- (1) A permit to display or alter an outdoor advertising sign lapses if an approved outdoor advertising sign is—

- (a) not displayed within six months from the date of approval, unless the permit holder makes written application for an extension, which may only be granted for an additional period of six months; or
- (b) altered or added to without the further approval of the Municipality: Provided that the Municipality may approve minor alterations means of an endorsement on the original application.

#### **14. Billboards**

- (1) Subject to the provisions of this bylaw, an application for the erection of a billboard advertisement must be accompanied by –
  - (a) an Environmental Impact Assessment report, provided that the Authorised Officer shall have the discretion to dispense with the requirement for an Environmental Impact Assessment report in the case of any billboard not exceeding 36m<sup>2</sup> in size; and
  - (b) such additional documentation as may be necessary to satisfy the Authorised Officer that the billboard applied for will be in full compliance with the applicable criteria as per this ByLaw
- (2) The display or erection of a billboard shall be permitted only in areas of minimum control specified in the council's approved outdoor advertising policy, as well as in urban areas of partial control at the discretion of the Authorised Officer, subject to such specific consent and assessment of its environmental impact as may be required by the Authorised Officer, which shall include the visual, social and traffic safety aspects.
- (3) Any non-locality bound billboard must be clearly and visibly identified in terms of its ownership.
- (4) Any billboard in respect of which an application is granted by the Authorised Officer in terms of these bylaws shall –
  - (a) comply with all legal requirements of the South African National Roads Agency Limited and Road Traffic Act, where applicable;
  - (b) comply with any other applicable National, Provincial or Local Government legislation and policy, including these Bylaws and the Outdoor Advertising Policy;
  - (c) not be erected within an area of maximum control unless, after an Environmental Impact Assessment and public participation process, the Council identifies that such area, subject to terms and conditions as it may impose, may be reclassified as an area of lesser control, which may not be relaxed further than the control type in the area adjacent to the site in question;
  - (d) not be detrimental to the nature of the environment in which it is located by reason of scale, intensity of illumination or design;
  - (e) not unreasonably obscure partially or wholly any approved sign previously erected and legally displayed;
  - (f) not constitute a danger to any person or property;

- (g) not be in its content objectionable, indecent or insensitive to any sector of the public;
  - (h) not encroach over the boundary line of the property on which it is erected;
  - (i) not be erected if considered by the Council, Provincial or National Government to be a distraction to drivers, cyclists or pedestrians which could contribute to unsafe traffic conditions;
  - (j) be so placed to screen unsightly premises and not to detract from the amenities of the neighbourhood by reason of their appearance or the use to which they are put;
  - (k) be spaced 120m; 200m or 250m apart on either side of the road/s or freeways, where the speed limit is lesser or equal to 60km/h; 61 to 80km/h or 81 to 100km/h, respectively;
  - (l) not be erected within a distance of 50m from the nearest edge of an intersection on a lower order road and 100m from the nearest edge of an intersection on an arterial road;
  - (m) not be erected within 50m from the on and off-ramps of public roads and from overhead traffic directional signs;
  - (n) not have an overall height in excess of 7m in landscape format or 12m in portrait format above the surface of the natural ground level or of the road level to which it is aimed;
  - (o) not have an area in excess of 64m<sup>2</sup> in the case of ground signs and 54m<sup>2</sup> in the case of wall signs;
  - (p) have a maximum of 6 bits of information and a minimum lettering height of 500mm;
  - (q) not have as its main colours, red, amber or green when located at signalised traffic intersections and shall not obscure or interfere with any road traffic light or sign;
  - (r) not constitute a road safety hazard or cause undue disturbance or permitted to be illuminated if such illumination, in the opinion of the Council, constitutes a road safety hazard or causes undue disturbance; and
  - (s) ensure that the traffic flow is not impeded on public roads during its erection or servicing, unless prior permission from the Council has been obtained and the necessary precautions taken and arranged.
- (4) The approval of a billboard shall be recommended by the Aesthetics Committee and approved by Council.

## **15. Ground Signs**

- (1) Only one on-site, locality bound, freestanding ground sign per premises shall be permitted where such a sign is necessary to facilitate the location of the entrance or access to a business premises; or where it is not reasonably possible to affix appropriate signs to the building; or where the business premises is so set back as to make proper visibility of signs on the building not feasible; or where the existence of a freestanding composite sign may prevent the proliferation of signage.

- (2) On site, locality bound freestanding ground signs in the form of business signs and tower structures shall be permitted, provided that such sign –
- (a) shall be restricted to only one sign per site per street frontage, unless otherwise permitted by the Council in its discretion; and
  - (b) shall not –
    - (i) exceed 7m in overall height and 6m<sup>2</sup> in total area;
    - (ii) have a clear height of less than 2,4m;
    - (iii) exceed 12m<sup>2</sup> (measured as total height x total width of the advertising structure) when such sign is a combination sign; and
  - (c) contain advertising matter other than exclusively directional on more than 50% of the area of any face thereof.
- (3) A remote, non-locality bound ground sign which does not have an overall height in excess of 7m above the ground at any point nor dimensions which exceed 6m in length and 3m in height, a total area of 18m<sup>2</sup> per face, shall be deemed to be of appropriate dimensions; provided that a ground sign which has greater dimensions shall not be erected unless, in the opinion of the Council, such sign screens premises which detract or are likely to detract from the amenities of the neighbourhood by reason of their appearance or the use to which they are put. Any area between such ground sign and the street line shall be grassed or otherwise ornamented at the expense of the applicant to the satisfaction of the relevant Authorized Officer.
- (4) Any sign erected on a monopole shall be appropriately designed so that, in the opinion of the Council, the height of the support is proportionally not too long in relation to the size of the sign.
- (5) A maximum of two pylon signs per tower, bridge shall be permitted. The maximum sign area per tower may not exceed 36m<sup>2</sup>. The sign must be wholly contained within the structure and have no projections.
- (5) Every ground sign or sign on towers, bridges and pylons shall be independently supported and properly secured to an adequate foundation and be without the aid of guys, stays, struts, brackets or restraining devices and/or be entirely self-supporting and not dependent upon any existing structure for its support in any way.
- (7) Bed and Breakfast (B&B) Signs for the purpose of this clause such sign shall only have the name of the B&B or Guest House operating on that site. Such sign shall be restricted to one per street frontage (on the boundary of the property) with a total area of 1m<sup>2</sup>. The sign shall be 1.5m above the ground. The font to be used shall be Times New Roman, word colour shall be Black and the board shall be Orange, accent 6, 25% darker with a black boarder line.

## **16. Pylon Signs**

- (1) For the purpose of this clause, every pylon shall be independently supported and be properly secured to an adequate foundation in the ground and be entirely self-supporting without the aid of guys, stays, brackets or other restraining devices.
- (2) The dimensions of a pylon and its associated pylon sign shall be such that the entire assembly, whether stationary or actuated, can be contained wholly within a notional vertical cylindrical figure having a diameter of 5m and a height of 8m or such dimensions as the Council may require.
- (3) No activated or protruding part of a pylon or of a pylon sign shall be less than 2.4m above the highest point of the existing ground level immediately below such pylon or sign or such other height as the Council may require.
- (4) The Council may consider on merit a request by the owner of a property which adjoins Council road reserve to erect a pylon solely for the display of the name of the business/es conducted at that particular property. This will be subject to an encroachment agreement being signed with the Council, setting out the period and fee payable and subject to Council being indemnified against any claims.
- (5) No pylon signs shall be allowed in areas that are predominantly of a residential nature or in areas of maximum control or as stipulated in council's approved outdoor advertising policy.
- (6) A pylon shall be permitted for service stations and shall not consist of more than 8 advertising panels of 4, 5 m<sup>2</sup> each in total area.
- (7) A pylon for a service station shall only be permitted within the property boundary.

#### **17. Wall Signs**

- (1) Where a wall sign is shaped in the form of a flat sign, such sign shall –
  - (a) at no point project more than 300mm from the surface of the wall to which it is attached. The maximum projection of any part of a flat sign shall be 180mm where the underside of such sign measures less than 2,4m from a footway or pathway immediately below it and the maximum projection shall be 300mm where the underside of such sign measures more than 2,4m above such footway or ground level;
  - (b) if it is on-site and locality bound, be permitted to be attached to the front, side and back walls of the building and, if it is non-locality bound it shall only be permitted to be attached to the side and back walls of the building which do not fulfil the function of a building facade;
  - (c) be permitted on condition that not more than two locality bound flat signs per enterprise shall be permitted, and only one flat sign per enterprise per wall shall be permitted;
  - (d) not cover any windows or other external openings of a building or obstruct the view from such openings;
  - (e) not exceed 54m<sup>2</sup> in total area or exceed 30% of the visible wall surface area to which it is attached, affixed or painted, whichever is the lesser, provided that in urban



landscapes of partial to maximum control, the signs may not exceed 20% of the visible wall surface area;

- (f) require an Environmental Impact Assessment if it is in excess of 36m<sup>2</sup>;
- (g) not extend beyond the ends of the wall to which it is attached in any direction;
- (h) if it is locality bound, not contain advertising matter other than exclusively directional on more than 50% of the area of any face thereof; and
- (i) if it is non-locality bound, only be permitted on blank return and back walls that have no openable sections or that comprise any architectural features.

## (2) **Projecting Wall Sign**

In the case of a projecting wall sign, such sign shall –

- (a) have its minimum clear height in excess of 2.4m;
- (b) be 300mm in maximum thickness;
- (c) not be allowed to extend beyond the ends of the wall to which it is attached;
- (d) not be allowed to extend within 450mm of the edge of a roadway; nor extend within 1,5m of any overhead electricity wires or cables;
- (e) have the maximum projection of 1.5m if it has a clear height of more than 7.5m, and 1m if it has a clear height of less than 7.5m;
- (f) be installed at a right angle to the street facade or to the direction of the oncoming traffic;
- (g) be locality bound;
- (h) not be displayed within 5m of any other projecting sign displayed on the same building;
- (i) not contain advertising matter other than exclusively directional on more than 50% of the area of any face thereof.

(2.1) *Wall Signs* at shopping centers shall, in the opinion of the controlling authority, be designed in such a way as to form a structural and architectural whole with such buildings. Product replicas shall, in the opinion of the authorized officer, not dominate prominent architectural features of any building with the exception of buildings in entertainment districts. Product replicas in areas of maximum control shall consist of hand-crafted items of a high standard.

(2.2) *Wall Signs* on historical buildings used or partly used for commercial, office, industrial or entertainment purposes or for larger accommodation facilities shall conform to the architectural style of the relevant buildings and to sign style and practices of that specific historical period.

(2.3) Where a wall sign is shaped in the form of a flat sign, such sign shall –

- (a) at no point project more than 300mm from the surface of the wall to which it is attached. The maximum projection of any part of a flat sign shall be 180mm where the underside of such sign measures less than 2,4m from a footway or pathway immediately below it and the maximum projection shall be 300mm where the underside of such sign measures more than 2,4m above such footway or ground level.

## (3). **Wall Painted Advertisements**

Subject to the Approval of the Authorised Officer,

- (a) The name of any person carrying on business in a building may be painted directly on a wall of that building;
- (b) a third-party advertisement may be painted directly onto any surface, subject to provisions of these bylaws.
- (c) The property owner shall be held accountable for any illegal painting on his or her wall.

## **18. Flag Signs and Street Pole Banners**

### **(1) Temporary Flag Signs**

A flag may be erected on a lot where there may or may not be buildings and shall only be used for-

- (a) Locality-bound advertising of functions or events conducted for religious, educational, social, welfare, animal welfare, sporting, civic or cultural purposes or functions or events relating to municipal, provincial or parliamentary elections or referenda, which shall only be allowed temporarily for the duration of the said event as stipulated in the application form.
- b) Street pole banners may be erected for functions or events conducted for religious, educational, social, welfare, animal welfare, sporting, civic or cultural purposes or functions or events relating to municipal, provincial or parliamentary elections or referenda, which shall only be allowed temporarily for the duration of the said event as stipulated in the application form.

### **(2) Permanent Flag Signs**

- (a) Permanent flags shall only be used for;
  - (i) Locality-bound advertisements displaying of the name, corporate symbol and nature of enterprises;
  - (iii) Streetscaping urban areas such as pedestrian malls and gateways;
  - (iv) Non-locality bound advertisements of campaigns supported by government.
  - (v) A flag must be replaced every six (6) months or sooner upon the instruction of the Authorized Officer should the flag have suffered degradation.
- (b) A flag is not permitted in a natural landscape.
- (c) No one may display a flag larger than four and a half square meters in area.
- (d) A flag may not be attached in such a manner as to interfere with or constitute a danger to passing pedestrians or traffic.
- (e) A flag must be attached to or supported by poles or other supports on the site or against the building where the function or event is to be held, or where the enterprise is located.
- (f) The amount of flags to be allowed per lot or building is to be determined by the Authorized Officer in his or her sole discretion.

- (g) A flag shall be mounted on an approved ground sign or on a flag which is affixed to a flag pole attached to a building and in a manner approved by the Council in its discretion, subject to certification by a registered professional engineer.

### **19. Requirements For Sky Signs**

- (a) Two or more sky signs placed one above the other, whether or not in the same vertical plane shall, for the purposes of, this Clause, be deemed to be one sign.
- (b) In areas of maximum or partial control every sky sign shall be set against a screen complying with the requirement of this ByLaw
- (c) No part of a sky sign shall protrude beyond, above or below the edge of the screen.
- (d) If the number of storeys contained in that part of a building which is directly below a sky sign as set out in column 1 of the following table, the maximum vertical dimension of such is required not to exceed the dimension specified opposite such number in column 2 of that table:

Number of Storeys below Sign	Maximum Vertical Dimension
One or two storeys	1.5m
Three or four storeys	2.0m
Five or six storeys	3.0m

- (e) A sky sign with dimensions other than the above table will be considered by Council on its merits.
- (f) No sky sign shall be affixed to any pitched roof, provided that in the case of a double pitched roof a sign may be positioned above the parallel to the ridge thereof.

### **20. Roof signs**

- (a) A roof sign shall only be permitted in an industrial zone and only if it is locality bound and only with the approval of the Council.
- (b) The maximum permitted size of a roof sign shall be at the discretion of the Authorized Officer.
- (c) A roof sign shall not project in front of a main wall of a building so as to extend beyond the roof of such building in any direction.
- (d) A roof sign shall not obstruct the view or affect the amenity of any other building.
- (e) A roof sign shall be placed in such a manner so as not to interfere with the run-off of rainwater from the roof of the building.
- (f) A roof sign shall be thoroughly secured and anchored to the building on or over which it is erected and all structural loads shall be safely distributed to the structural members of the building without the use of guys, stay or any other restraining devices.
- (g) A roof sign, including all its supports and framework, shall be constructed entirely on non-combustible materials approved by the Council or its duly authorised official/s and, if illuminated, shall not be placed on or over the roof of any buildings unless such sign, as well as the entire roof construction, is of non-combustible material.

## **20.1. Veranda, balcony, canopy and under-awning signs**

- (a) Signs may be affixed flat onto or painted on a parapet wall of a veranda or balcony, and beam or fascia of a veranda or balcony. Such signs may not exceed 1m in height, project beyond any of the extremities of the surface to which it is affixed, or project more than 300mm in front of the surface to which it is affixed or extend within 450mm of the edge of a roadway unless the clear height of such sign is a minimum of 3.7m.
- (b) Signs shall not be allowed on or over architectural features of buildings nor shall they be allowed to cover any window or obstruct the view from any such opening nor shall they detract from the aesthetics of the building.
- (c) An under awning sign, suspended below the roof of a veranda, canopy or balcony shall –
  - (i) not exceed 1.8m in length, 610mm in height and 300mm in thickness, with a minimum thickness of 100mm;
  - (ii) be perpendicular to the building and have a minimum height of 2.4m above the pavement, footpath or street;
  - (iii) have its axis of symmetry at the right angle to the street line;
  - (iv) be centralized within the width of the veranda or canopy to which it is attached;
  - (v) be allowed with a minimum spacing of 3m centre to centre between signs;
  - (vi) contain advertising matter other than exclusively directional on more than 50% of the area of any face thereof; and
  - (vii) not extend beyond the external edges of the canopy or veranda to which it is attached.
- (d) Sun-blinds and awnings shall be so made and fixed as to be incapable of being lowered to less than 2.2m above the footway or pavement directly beneath it. Such signs shall be parallel to the building line and placed in a manner so as not to interfere with vehicular or pedestrian traffic, traffic lights or traffic signs in any way.
- (e) A sign on the roof of a veranda, canopy or balcony, excluding the main roof of a building, shall be composed of a single line of freestanding, individual, cut out logos and/or letters without visible bracing or support. A sign shall only be placed on top of a veranda roof where such veranda does not have an appropriate wall, railing or beam to which the sign may be affixed. Any such sign shall not extend beyond the extremities of the veranda roof, canopy or balcony and only one sign per enterprise shall be allowed with a maximum height of 1m.
- (f) Signs on adjacent buildings shall be aligned as far as possible in order to achieve a straight line or parallel configuration.
- (g) Not more than 50% of the area of any face of any advertisement or sign painted, affixed to or erected on any cantilever or veranda or on the street facade of any building shall contain advertising matter other than of an exclusively directional nature; provided that in the case of any advertisement or sign on the street façade of a building the Authorised Officer may grant relaxation of this provision as long as the total area covered by advertising matter on such building does not exceed 50% of the sum of the area of all faces of advertisements or signs on such building.

**21. Temporary advertisements or signs**

(a) Posters and banners

- i. Subject to the provisions of these bylaws and any other applicable law, no person shall display or cause or permit to be displayed any advertisement or sign of a temporary nature, including but not limited to a poster, banner or flag, advertising any meeting, function or event of a sporting, civic, cultural, social, educational, religious, charitable, political or other similar character in any street or public place or on municipal property except in accordance with the prior written approval of the Authorised Officer.

(b) Application for approval of temporary advertisement or sign

- ii. Any person intending to display or erect any temporary advertisement or sign for which the prior written approval of the Authorised Officer is required in terms of this bylaw, other than a sign to which section 30 applies, shall apply for such approval on a prescribed form obtainable from the office of the Authorised Officer, and upon payment of such fee as may be prescribed by Council by resolution from time to time.

(c) An application for approval of any temporary signs in terms of this bylaw must –

- i. be submitted to the Municipality in duplicate at least 5 days prior to the commencement of the event advertised thereon;
- ii. contain the minimum requirements as detailed in the pre-scrutiny checklist obtainable from the office of the Authorised Officer;
- iii. be accompanied by –
  - (aa) a deposit in the amount stipulated by the council from time to time in its tariff of charges, which deposit shall be refunded when all the advertisements concerned have been removed to the satisfaction of the Authorised Officer;
  - (bb) a specimen or proof of advertisement to which the application relates, prior to printing; and
  - (cc) a list of all streets in which the advertisement concerned is to be displayed.

(d) Any application for the display of a temporary advertisement or sign shall be subject to compliance with the following requirements to the satisfaction of the Authorised Officer:

Any advertisement relating to an election, meeting, function or event shall –

- (i) be of maximum A1 size;
- (ii) have a clear height of minimum 2,4m; and
- (iii) be securely fixed to durable hardboard or other approved backing board or any other material, frame, and/or fixing as approved by the Authorised Officer.

(e) In the case of private property, where the event, function or meeting is taking place, the maximum size of a banner shall be 6m<sup>2</sup>.

- (f) Any person who displays or causes to be displayed any poster advertisement relating to a meeting, function or event shall only be permitted only one poster per electricity lamp-post, and a minimum of 120m spacing between posters for the same event, which must be displayed for no longer than 14 days prior to the commencement of the event and no longer than three days after the day on which it ends, subject to a maximum period for each event not exceeding 21 days and subject to commercial advertising not occupying more than 10% of the surface of the poster and which is to be displayed at the bottom of the poster.
- (g) No posters or signs are permitted to be displayed on bridges, traffic lights, traffic signs (including any supporting structure/s for such posters or signs), nature features, tress, freeways and/or national routes.
- (h) Any advertisement relating to an election, meeting, function or event shall not be placed in such a manner that the content of separate advertisements, when read in succession, forms a continuous relative legend.
- (i) Positioning of posters shall be restricted to electricity lamp standards and no posters shall be erected on any signalised traffic light or traffic sign (including any supporting structure/s for such signs).
- (j) Temporary advertisements are not permitted to be erected or displayed on any National Roads, Highways, Freeways and other areas as defined by the Council from time to time for that purpose.
- (k) Every poster for which permission is granted shall visibly display a sticker or marking of the Municipality and the Council shall be entitled to retain one such poster for identification purposes.
- (l) Every poster must comply with the poster guidelines as amended by the Municipality from time to time.
- (m) Posters erected on electricity poles are subject to removal and maintenance works as necessary without giving notice to anyone.
- (n) The total number of posters displayed at any one time relating to any meeting, function or event may not exceed 150, except in special circumstances and with the special consent of the Council or its duly delegated official/s. In the case of election advertisements, no limitation will be placed on the number of posters displayed.

### **21.1. Temporary Brand Activations**

- (1). Subject to provisions of these bylaws and any other applicable law, no person shall display, cause or permit display of any Brand Activation except in accordance with a prior written approval of the Authorised Officer.
- (2) Brand Activation application along the beach during the tourism peak seasons shall be done in consultation with the approved event's organiser through.
- (3) The event organisers shall pay a once-off fee of brand activation during their events which shall be determined through council approved Tariff of Charges.

### **22. Estate agents' boards**

- (1) Subject to the provisions of these bylaws and any other applicable law, no person shall display, cause or permit to be displayed any estate agent's board except in accordance with the prior written approval of the Authorised Officer.
- (2) **Application for approval of estate agents' boards**
  - (a) Any person intending to display, cause or permit to be displayed an estate agent's board for which the prior written approval of the Authorised Officer is required in terms of this bylaw, other than a sign to which section 30 applies, shall apply annually for such approval on a prescribed form obtainable from the office of the Authorised Officer, and upon payment of such fee as may be prescribed by the Council by resolution from time to time in respect of the specified application.
  - (b) In the case of an estate agency, the onus shall be on the estate agency concerned to –
    - (i) bring the provisions of this bylaw, as well as any other applicable legislation or policy, to the attention of its agents and ensure due compliance with the provisions thereof;
    - (ii) manage, control and take responsibility for its agents and, in addition, take appropriate action when necessary against its agents or persons in its employ when there have been transgressions.
    - (iii) An agency shall be permitted a maximum of 30 estate agents boards (On Show/For Sale).The agency shall pay the application fee as well as the annual display fee as prescribed by council in the tariff of charges.
  - (c) Any person who displays or causes to be displayed any estate agent's boards for 'on show' 'for sale', 'to let', 'sold' sign on any property belonging to the Municipality, other than a road reserve, unless specific approval has been granted for the display thereon, shall comply with the following requirements to the satisfaction of the Authorised Officer:
    - (i) "On show" boards are only to be used for the purpose of indicating the route to the property or premises on show or advertised; "For sale" boards are used for properties or premises for sale and "To Let" boards are to be used for properties or premises available to rent.
    - (ii) Such estate agency boards are to be of appropriate structure and size to be a maximum of 500mm x 600mm and collectively the number of boards displayed shall not, in the opinion of the Council, detract from the amenities of the streetscape or environment;
    - (iii) The number of boards shall be limited to a maximum of 10 boards per agent and no contact number shall appear on such boards.
    - (iv) Subject to the provisions of the Road Traffic Act and other applicable legislation, such estate agency boards are not to be positioned nearer than 1,8m from the nearest edge of the roadway, and placed at such height that the lower edge of the board does not exceed 600mm above the ground;
    - (v) Such estate agency boards are not to be positioned nearer than 10m from any road intersection, entrance or exit from a dual carriage way or a freeway as defined in the Road Traffic Act or other applicable legislation;

- (vi) Such estate agency boards are not to be positioned so as to obstruct the view of any road traffic sign or street name sign from any portion for a roadway as defined in the Road Traffic Act or other applicable legislation;
- (vii) Such estate agency boards are not to be positioned so as to hinder or obstruct pedestrians' right of way on a sidewalk or to unfairly prejudice other traders;
- (viii) The display of estate agents boards for show houses will only be permitted on Fridays, Saturdays, Sundays and public holidays.
- (ix) Applicants will be required to indemnify the Council against any claims which may arise from the placement of such signs within the road reserve or on Council Property and shall be required to procure third party insurance for this purpose.

**(3) Private Sales Boards**

Any person who displays or causes to be displayed any private sale board on any private property or land, shall comply with the following requirements of the bylaws to the satisfaction of the Authorised Officer:

- (i) Filling in of application forms obtainable from the municipal offices, making payment of the prescribed application fees and submission of the required documents as stipulated in the application forms.
- (ii) The private sale board shall be place inside the property on sale
- (iii) The number of private sale shall be limited to one board per property
- (vi) The advertising period shall be limited to 90 days for private sale.

**23. Portable Boards / Sandwich Boards**

- (a) Subject to the provisions of these bylaws and any other applicable law, no person shall display, cause or permit to be displayed any portable or sandwich board except in accordance with the prior written approval of the Authorised Officer.
- (b) Approved portable boards or sandwich boards advertising services may only be displayed during normal trading hours, where after they shall be removed.
- (c) Only one such portable board per street frontage per enterprise shall be allowed to advertise services and such signs shall be placed inside the advertiser's premises; and shall not be placed on the street verge.

**24. Political or election advertisement**

(1) Subject to the provisions of these bylaws and any other applicable law, no person shall display, or cause or permit to be displayed, any political or election advertisement except in accordance with the prior written approval of the Authorised Officer.

**(2) Application for approval of political or election advertisement**

- (a) Any person, including a political party, who wishes to display, or cause or permit to be displayed, any political notice or advertisement for which the prior written approval of the Authorised Officer is required in terms of this bylaw, other than a sign to which



bylaw 30 applies, shall apply for such approval on a prescribed form obtainable from the office of the Authorised Officer and upon payment of such fee as may be prescribed by Council from time to time.

- (b) Any application referred to in section 24(2) (a) of this bylaw must –
- (i) be submitted to the Authorised Officer in duplicate at least **14** days prior to the display or erection of the notice or advertisement concerned;
  - (ii) contain the minimum requirements as detailed in the pre-scrutiny checklist;
  - (iii) be accompanied by –
    - (aa) proof of payment of a deposit in the amount determined by the Authorised Officer, which deposit shall be refunded when all the advertisements or notices concerned have been removed to the satisfaction of the Authorised Officer;
    - (bb) proof of advertisement to which the application relates, prior to printing; and
    - (cc) a list of all the streets at which the political notice or advertisements is to be displayed.

### **(3). Political Boards**

#### **Onus on political parties**

- (a) The onus is on each political party concerned to –
- (i) bring this policy or relevant legislation to the attention of its representatives and ensure compliance with all its provisions; and
  - (ii) manage, control and take responsibility for its agents, officials and politicians and, in addition, take appropriate action whenever necessary against its agents, politicians or any person in its employment where there has been any contravention of this bylaw or any other applicable legislation and ensure that there is due compliance therewith.

#### **(4) Requirements for political or election advertisements**

- (a) Any person, including a political party, who wishes to display or cause to be displayed a political or election notice or advertisement shall comply with the following requirements to the satisfaction of the Authorised Officer:
- (i) any advertisement relating to an election shall be of a maximum A1 size; shall have a clear height of a minimum 2,4m; and shall be securely fixed to durable headboard or other approved backing board or any other material, frame and/or fixing as approved by Council;
  - (ii) insofar as a poster advertisement relating to an election or political advertisement is concerned, the applicant shall only be permitted: - one poster per electricity lamp post; a minimum of 120m spacing between posters for the same political party, which must be displayed for no longer than **120** days prior to the commencement of the elections and should be displayed or erected no longer than seven (7) days after the day on which the election ends, subject to the maximum period for each election not exceeding 30 days;

- (iii) no election posters are permitted to be displayed on bridges, traffic lights, traffic signs (includes supporting structure for such signs), natural features, trees, freeways and/or national routes, unless special authorization is received from the Authorised Officer;
  - (iv) any advertisement relating to an election shall not be placed in such a manner that the content of separate advertisements, when read in succession, forms a continuous relative legend;
  - (v) any advertisement relating to an election, including the tariff of fees applicable to such election advertisement, shall be on the basis of a written agreement between the Municipality and the political party/ies concerned.
  - (vi) the total number of posters displayed at any one time relating to elections may not exceed 300 per candidate and 700 per party in the case of general advertising.
- (b) Any advertisement relating to an election, including the tariff of fees applicable to such election advertisement shall be on the basis of a written agreement between the Council and the relevant political party or parties.
- (c) In addition to the requirements set out in paragraph 4(a and b)above, any political notices or advertisements to be displayed for general advertisement shall comply with the following further requirements to the satisfaction of the Authorised Officer:
- (i) Any person, including a political party, who displays or causes a poster, banner or flag advertisement to be displayed outside an election period (i.e. advertising a programme/campaign) shall specify the timeframe for which that signage is to be displayed or erected, provided that such time frame does not exceed **two months** from the date of approval thereof. Should the time frame exceed the maximum period permitted, then the political party concerned will be charged an additional amount as per the tariff of charges; and
  - (ii) the total number of posters for political parties for general advertisement outside an election period (i.e. advertising a programme/campaign) may not exceed 200 per party.

**25. Aerial advertisements**

- (1) Subject to the provisions of these bylaws and any other applicable law, no person shall display or cause to be displayed an aerial advertisement, except by means of an aircraft, except under and in accordance with the prior written approval of the Authorised Officer.

**Application for aerial advertisement**

- (2) Any person who wishes to display or cause to be displayed an aerial advertisement for which the prior written approval of the Authorised Officer is required, other than a sign to which section 30 applies, shall apply for such approval on a prescribed form obtainable from the office of the Authorised Officer, and upon payment of such fee as may be prescribed by the Council from time to time;
- (3) An application in terms of an aerial advertisement must be accompanied by –
- (a) Particulars of the content and dimensions of the aerial advertisement and of the aerial device by means of which the advertisement is to be displayed, as well as the material used and method of construction and anchorage;

- (b) Particulars of the intended location with a description of the premises to which the aerial device will be anchored or tethered and details of electricity and telephone poles and cables and other structures within 30m or length of tether, whichever is the greater, of the point of anchorage;
  - (c) The name and address of the person/s or contractor/s displaying the aerial advertisement and the name and address of the approved competent person in attendance of the aerial device and of its owner;
  - (d) The period and times of intended display;
  - (e) Where the applicant is not the owner of the premises to which the aerial device is to be anchored or tethered, the written consent of the owner of such anchoring;
  - (f) Proof of the provision of an automatic deflation device;
  - (g) Proof of adequate public liability insurance to the satisfaction of the Authorised Officer; and
  - (h) Proof of approval of the National Civil Aviation Authority, together with proof of compliance with any conditions and/or requirements prescribed by such Authority.
- (4) Aerial advertisements shall be permitted for events of a sporting, civic, cultural or political nature only and shall not be displayed or caused to be displayed on, from or over public property, including any street or public place, unless approval has been granted by the Authorized Officer, who may impose such conditions as he/she deems fit.

## **26. Advertising on vehicles**

- (1) Subject to the provisions of these bylaws and any other applicable law, no person shall display or cause to be displayed any advertisement on an advertising vehicle except in accordance with the prior written approval of the Authorised Officer.

### **(2) The following conditions shall apply to advertising vehicle**

Any person who wishes to display or cause to be displayed any advertisement on an advertising vehicle for which the prior written approval of the Authorised Officer is required, other than a sign to which section 30 applies, shall apply for such approval on a prescribed form obtainable from the office of the Authorised Officer, and upon payment of such fees as may be prescribed by Council from time to time.

- (3) An application in terms of advertising on vehicles must be accompanied by –
- (a) Particulars of the materials of which the advertising sign is made, its dimensions, and the manner of its construction and the method by which it is secured to the advertising vehicle;
  - (b) The name, address and telephone number of the owner of the vehicle or, if the owner resides or has his place of business outside the boundaries of the Council, of the person having control of the vehicle at all times; and
  - (c) A copy of the current vehicle licence and registration certificate issued in respect of such vehicle, as required in terms of the Road Traffic Act.

(4) **Requirements of advertising vehicles**

An advertising vehicle shall not be placed or parked or caused to be placed or parked on private property or public property, including any demarcated parking bay, in a public road or within a road reserve -

- (a) unless the prior written approval of the Authorised Officer has been obtained in terms of these bylaws and the Outdoor Advertising Policy and the designated display site/s have been approved in terms of these bylaws and the Outdoor Advertising Policy; and
- (b) provided that if no approved designated site exists, advertising vehicle signs shall be permitted to be displayed if they are mobile at all times and comply with all requirements of traffic legislation.
- (c) The advertising period allowed for advertising vehicles shall be **21** consecutive days, or unless prior written approval is received from the Authorised Officer.
- (d) Advertising vehicles parked on private property for the purpose of storage shall be positioned in such a manner as not to be visible from any street or public place.
- (e) The advertising panel or portion of the vehicle used for transit advertising shall not exceed a cumulative total of 18m<sup>2</sup> per panel.
- (f) Notwithstanding anything contained in these Bylaws, the Council or the Authorised Officer may, without prior notice, remove an advertising vehicle from the municipal property, and in the case of an unauthorised advertising vehicle on private property, the Council or the Authorised Officer may serve notice instructing the immediate removal thereof, failing which the Council may, without a court order, enter onto the property concerned to remove or arrange for the removal of the advertising vehicle.
- (g) Unless an advertising vehicle impounded by the Council has been reclaimed within a period of three months from the date of notification, such vehicle shall be disposed of by the Council to defray any costs involved in the removal or storage thereof.
- (h) Impounded advertising vehicles shall only be released by the Council after all removal costs and fines have been paid in full, and a copy of the current licence registration papers has been submitted to the Municipality for verification.
- (i) Notwithstanding anything contained in these bylaws, the approval of any advertising vehicle by the Authorised Officer shall be subject to such conditions as the Authorised Officer shall in his/her discretion deem appropriate to impose.

**27. Electronic/Illuminated Sign**

- a. An electronic sign shall not exceed 18 m<sup>2</sup> in sign area except with the specific consent of the Authorised Officer.
- b. In the case of a free-standing structure, the advertising structure shall not exceed 8,5 m in height.
- c. The clear height of the advertising structure shall not be less than 2,4 m.
- d. An electronic sign may only be erected in an area of partial or minimum control and requires the specific consent of the Authorised Officer.

- e. In the case of a free-standing electronic sign shall be displayed perpendicular, or at an angle of 30°, to the direction of oncoming traffic.
- f. An advertising sign scoping report which includes visual, social and traffic safety aspects may be required for electronic signs.
- g. *Spacing requirements shall be in accordance with the spacing of requirements of High impact signs as per this bylaw.*
- h. In the case of a free-standing electronic sign shall be placed on a base which has been designed and erected to the satisfaction of the Municipality.
- i. All electronic signs need to be in compliance with the requirements of the level of illumance as per this ByLaw and in accordance with the relevant Billboard requirements as per this ByLaw.

## **28. Handbills, Leaflets, Pamphlets Or Community Newspapers**

- (1) Handbills, leaflets, pamphlets and similar promotional material shall only be distributed from door-to-door, post-boxes or from within shops and privately controlled areas. Community newspapers may be distributed from door-to-door in all areas of control.
- (2) Handbills, leaflets, pamphlets and similar promotional material shall not be distributed at road traffic intersections, street corners, walk-ways, pavements or any other area determined by the Authorised officer.

## **29. Window Signs**

- a). Window signs are subject to the approval of the Authorised Officer
- b). Window signs are permitted in all areas of control as per Annexure A
- c). The total area of all permanent signs painted on or attached to the windows of a specific enterprise shall not exceed 50% of the total ground-floor window area of such an enterprise.
- d). In areas of maximum control, colors shall in the opinion of the Authorised Officer be in harmony with the rest of the building and the general streetscape.

### **29.1 School Signs**

- a). A school must submit an application to the Municipality where it intends to display signs.
- b). An application for the display at signs at schools must be signed by the Chairperson of the School Governing Body.

- (c).An application for the display of a sponsor sign must be accompanied by a copy of the contract entered into between the school and the sponsor.
- (d). Tariffs of charges as prescribed in the Municipal Tariff of Charges will apply.
- (e).Subject to provisions of these bylaws and any other applicable law, no person shall display, cause or permit display of any Schools sign except in accordance with a prior written approval of the Authorised Officer.
- (f). All school signs shall comply with the requirements as prescribed for the specific signage type, as outlined in these bylaws.

## **CHAPTER 4**

### **ADVERTISEMENTS AND SIGNS ON MUNICIPAL PROPERTY**

#### **30. Signs on Municipal Property**

- (1) Temporary advertisements and signs on municipal property are subject to Council's specific consent as set out in these Bylaws and the Outdoor Advertising Policy.
- (2) Permanent advertisements and signs on municipal property, including but not limited to street furniture, street name signs, dustbins, bus shelters, suburban and community advertisements and any other remote advertising signs, are subject to Council's specific authority and tender procedures: Provided that the Council shall be obliged to set out and agree to the specifications and required performance standards for such signs prior to calling for tender proposals.
- (3) A person who wishes to display an outdoor advertising sign on municipal property must –
  - (a) make an application in writing to the Municipality for permission; and
  - (b) pay the prescribed fee as may be imposed by the Municipality.
- (4) A person may not display or alter an outdoor advertising sign or cause or permit any outdoor advertising sign to be displayed or altered on municipal property, without the prior written permission of the Municipality.
- (5) Where a person makes application for the display of a billboard on municipal property the Municipality shall only consider applications for the display or altering of a billboard not exceeding 36m<sup>2</sup> in size.
- (6) The display or altering of any outdoor advertising sign, other than a billboard contemplated in subsection (5) above, on municipal property shall be regulated in terms of the Municipality's Supply Chain Management Policy and procurement processes.

### **31. Advertisement at the entrance of a Town or Historical Monument**

- (1) Subject to the provisions of these Bylaws and any other applicable law, no person shall display, cause or permit to be displayed any advertisement or sign at the entrance of a town or monument except in accordance with the prior written approval of the Authorised Officer.
- (2) Application for approval of advertisement at the entrance of a town or historical monument-
  - (a) Any person intending to display, erect, alter or maintain any advertisement or sign, for which the prior written permission of the Authorized Officer is required, other than a sign to which section 30 applies, shall apply for such approval on a prescribed form obtainable from the office of the Authorized Officer, and upon payment of such fee as may be prescribed by Council from time to time.
  - (b) An application in terms of an advertisement at the entrance of a Town or Historical monument must –
    - (i) meet the minimum requirements as detailed in the pre-scrutiny checklist;
    - (ii) be submitted in duplicate; and
    - (iii) be accompanied by such additional drawings, Environmental Impact Assessments and/or photographs as may be necessary, in the opinion of the Council, to explain the true nature and scope of the application.
  - (c) The application shall be assessed by the relevant department/s within the Municipality, after which it shall then proceed to the Aesthetics Committee for discussion, coordination and final decision.
  - (d) The Aesthetics Committee may refuse to grant the application if, in its discretion, the signage (and/or its contents) applied for is not appropriate for an entrance point to the town or it may grant its approval to such application subject to any conditions it may deem appropriate to impose in accordance with these By-laws.
  - (e) No commercial advertisement shall be permitted for at the entrance of a town

### **32. Advertisements on Construction Sites**

- (1) The Council must, for the purposes of considering an application in terms of this section for an advertisement to be displayed on the boundary or fence of or scaffolding on a construction site for a period set out in the building schedule but not exceeding 12 months, have regard to the following considerations:
  - (a) The zoning of the property concerned in terms of an applicable town planning scheme and the general ambience of the area where the proposed sign is to be displayed;
  - (b) the aesthetic effect of the sign on the amenity of the area concerned and its surroundings;

- (c) the area of control set out in the outdoor advertising policy, applicable to the property concerned and its surroundings; and the distance of the proposed sign from every other approved and existing advertising sign within a radius of 200m
  - (d) An advertisement specified in subsection (1) is only allowed in an urban area of partial or minimum control and may not be animated or illuminated
  - (e) may only be permitted on scaffolding which is against a building
  - (f) under construction or on a hoarding, fence or wall on the boundary of a construction site which has been erected to enclose that site during construction;
  - (g) may only be erected if it will conceal an unsightly condition arising out of the use to which the property concerned is put and if such sign will make a positive contribution to the visual environment; and
  - (h) may not be placed on the top of a boundary fence or wall.
- (2) The size and height of signs allowed in this class are as follows:
- (a) Project Boards
    - (i) Maximum size: 1.5m<sup>2</sup> per consultant.
    - (ii) Total Maximum size: 9m<sup>2</sup>.
    - (iii) Maximum height: 3m.
  - (b) Development Advertisements:
    - (i) Maximum size: 6m<sup>2</sup> in maximum control area.
    - (ii) Maximum size: 12m<sup>2</sup> in partial and minimum control area.
    - (iii) Maximum height: 3m.
- (3) The position and spacing requirements for this class of signs are as follows:
- (a) Project boards:
    - (i) One sign per street front per site.
    - (ii) Not in road reserve.
    - (iii) Only road construction sign will be allowed within the road reserve.
    - (iv) Not next to a freeway.
  - (b) Development advertisements:
    - (i) Only one advertisement per development.
    - (ii) Only while relevant development is taking place.
    - (iii) Not in road reserve.

### **33. Combination Signs**

- (1) Subject to approval in terms of this By-Law, the erection and/or display of Locality Bound Freestanding signs are permitted only in urban areas of maximum, partial and minimum control as specifies in the KwaDukuza municipality's outdoor advertising policy.
- (2) A composite signs shall only be permitted in the following instances:



- (a) Where business premises are set back 15 m or more from the boundary of the road reserve; or
  - (b) Where it is not reasonably possible to affix appropriate signs to a building; or
  - (c) Where such a sign is necessary to allow the public to locate the entrance to business premises; or
  - (d) Where the existence of a freestanding composite sign may prevent the proliferation of signs.
- (3) A composite signs may not exceed 7 m in height and in addition may not exceed 4, 5 m<sup>2</sup> in total area.
- (4) A composite sign shall only be permitted for commercial, industrial and business opportunities.

### **34. Neighborhood Watch/ Security Signs/ Farm Watch**

- (1) This class will be allowed in all areas of control.
- (2) The size and height of signs allowed in this class are as follows:
- (a) **Size:**
    - i. Security signs: Maximum area: 0.35m<sup>2</sup>
    - ii. Neighbourhood and farm watch: Maximum area 1.5m<sup>2</sup>
  - (b) **Height:**
    - i. Maximum height: 3m
- (3) The position and spacing requirements for this class of signs are as follows:
- (a) Security signs: Urban area
    - i. In urban areas only one sign per street boundary of a stand or subdivision shall be permitted and such sign shall be firmly affixed to the building, boundary wall, fence or gates on the street frontage or shall be displayed within the boundaries of the stand.
    - ii. Minimum spacing of one per 30m length of street boundary
    - iii. Security companies shall be permitted to advertising using a maximum of 4 vehicles and 4 flags, in designated areas that have been approved by the Authorized Officer for a maximum period of 8 hour per month. This application shall be permanent with the application fee and annual display fee payable as prescribed by council in the tariffs of charges.
  - (b) Farm watch:
    - i. Farm watch signs may be displayed at the junction or intersection of a public road and private access road or at the entrance to an individual farm. Only one sign per farm shall be allowed.
  - (c) Neighborhood watch:
    - i. A neighborhood or farm watch sign may be erected within a road reserve other than national road, provincial road or any freeways, at the point where the watch area is entered. However, such signs shall not be positioned on a road island or road median or inside a restricted area.

- ii. Neighborhood watch or farm watch companies shall be permitted to advertising using a maximum of 4 vehicles and 4 flags for a maximum period of 8 hour per month. This application shall be permanent with the application fee and annual display fee payable as prescribed by council in the tariffs of charges.
- (d) These signs may not be illuminated or animated.
- (e) Signs shall refer only to the existence and operation of a commercial security service, burglar alarm system or neighborhood watch or similar system or scheme.
- (f) These signs are subject to the approval of the authorized officer.

## **CHAPTER 5**

### **ASSESSMENT OF APPLICATIONS AND APPEAL PROCEDURE**

#### **35 Assessment of applications**

- (1) In considering applications, in addition to any other relevant factors, the Council shall ensure that the design and display of all advertising signs conforms to the SAMOAC's guidelines for the control of advertising in terms of the general conditions and principles as set out in these Bylaws and the Outdoor Advertising Policy, as amended from time to time.
- (2) Subject to compliance with the provisions of this bylaw, the Council may also require the applicant to consult any other relevant authority, such as the Department of Transport, South African National Roads Agency Limited (SANRAL)) or stakeholder, prior to submission of the application and/or arriving at a final decision on an application.
- (3) The Council may refuse an application or grant its approval, subject to such conditions as it may deem expedient but no inconsistent with the provisions of these Bylaws or the Outdoor Advertising Policy, as amended from time to time.
- (4) Approval of all advertising signs shall be at the pleasure of the Council and will endure for a period as may be determined by the Council either in relation to the advertising structure or to the advertising content or both, where after a new application for consideration must be submitted to the Municipality for approval in terms of these Bylaws and the Outdoor Advertising Policy.

#### **36 Appeal procedure**

- (1) A person whose rights are affected by a decision taken by a political structure, political office bearer, councillor or staff member of a municipality in terms of a power or duty delegated or sub-delegated by a delegating authority to the political structure, political office bearer, councillor or staff member, may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.
- (2) The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).

(3)The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

(4)When the appeal is against a decision taken by-

(a) a staff member other than the municipal manager, the municipal manager is the appeal authority;

(b) the municipal manager, the executive committee or executive mayor is the appeal authority, or, if the municipality does not have an executive committee or executive mayor, the council of the municipality is the appeal authority; or

(c) a political structure or political office bearer, or a councillor -

(i)the municipal council is the appeal authority where the council comprises less than 15 councillors; or

(ii)a committee of councillors who were not involved in the decision and appointed by the municipal council for this purpose is the appeal authority where the council comprises more than 14 councillors.

(5)An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

(6) The provisions of this section do not detract from any appropriate appeal procedure provided for in any other applicable law.

## **CHAPTER 6**

### **MAINTENANCE AND ALTERATIONS**

#### **37. Maintenance of advertisements or signs**

(1) The owner of premises and holder of the permit –

(a) on which an advertisement or sign which is exempted in terms of these Bylaws from compliance with the provisions thereof has been displayed or erected, as the case may be; and

(b) on which an advertisement or sign which is not exempted has been displayed or erected, as the case may be, and the applicant who has been granted permission in terms of these bylaws in respect thereof, jointly and severally, shall maintain such advertisement or sign (together with its supports, braces, guys and anchors) in a state of good repair, both structurally and aesthetically.

(2) An outdoor advertising sign, as well as its supporting structure, must be–

(a) treated against corrosion and painted;

- (b) cleaned on a regular basis;
  - (c) regularly maintained in good repair and in a safe condition, and according to the highest standard as regards quality of structures, posting and content in terms of the National Building Regulations and any other applicable law; and
  - (d) Designed and positioned, where possible, to discourage vandalism.
- (3) Whenever any alteration is made to the ground level below or adjacent to any advertisement or sign the person or persons who are liable to maintain the advertisement or sign in terms of this ByLaw shall alter the height of such advertisement or sign so as to bring it into conformity with the provisions of these bylaws, if practicable.
- (4) Should any advertisement or sign become dangerous, unsightly or in any way constitute a nuisance, the person or persons who are liable to maintain the advertisement or sign in terms of sub-bylaw 18 of these Bylaws shall forthwith remove the source of danger, the cause of the unsightliness or the nuisance, and failure to do so will constitute an offence.
- (5) Should the owner of the sign or property fail to comply with the terms of a notice from the Authorised Officer requiring him to remove such source of danger, the cause of the unsightliness or nuisance, the municipality may remove such advertisement through a court order and recover the cost of doing so from the person concerned by civil action and no compensation shall be payable by the Municipality in consequence of such removal.
- (6) The owner and any occupier of any premises upon which any advertisement or sign is displayed or erected within the public view, shall permit the Authorised Officer or a member of his staff duly authorised by him, to inspect such advertisement or sign and to execute any work in relation thereto, and shall furnish the Authorised Officer or such member, as the case may be, with any information that may be required regarding the display, erection or maintenance of such advertisement or sign.

### **38. Alterations to advertisements or signs**

The permission granted in respect of any advertisement or sign shall lapse when any alteration or addition is made to such advertisement or sign: Provided that minor alterations or changes of text may be approved by the Authorized Officer by enforcement on the original application.

## **CHAPTER 7**

### **PROHIBITED ADVERTISEMENTS AND SIGNS**

#### **39 Prohibited advertisements and signs**

- (1) No person shall display or distribute any of the following advertisements or erect any of the following signs:
- (a) Any advertisement which, in the opinion of the Authorised Officer, is of an indecent, obscene or objectionable character or of a nature calculated to produce a pernicious or injurious effect on the public or any particular case of persons or is displayed in any place, in such a manner or by such means as, in the opinion of the Authorised Officer, is likely to affect injuriously the amenities of, or to disfigure any neighbourhood when the Authorised Officer has by notice served on such person conveyed his opinion to that effect.
  - (b) Any advertisement that is painted onto or attached in any manner to a tree or other plant or to any rock, cliff or other natural feature.
  - (c) Any advertisement or sign which obstructs any street, fire escape, exit way or any window or door or other opening use as a means of a way out from premises or for ventilation or for fire fighting purposes or which prevents free passage from one part of a roof to another.
  - (d) obscures, obstructs or interferes with any traffic sign or signal for traffic control;
  - (e) inhibits, obstructs or interferes with road traffic safety, pedestrian safety, aircraft safety or the safety of the public in general;
  - (f) obstructs any street, fire escape, exit way, window, door or other opening used as a means of entering or exiting or for ventilation or firefighting purposes, or which constitutes a fire risk in the opinion of the Municipality;
  - (g) Any advertisement or sign which is prohibited in terms of any town planning scheme.
  - (h) Any advertisement on a portable board displayed on a street pavement.
  - (i) Any advertisement or sign that is painted on or in any way affixed to the inside surface of any window of a residential building other than a display window.
  - (j) No pamphlets shall be scattered from the air, in any way be distributed in any street or public place or attached to the windscreens of any parked vehicles.
  - (k) Advertisements painted on roofs. No advertisement shall be painted on a roof of a building which is not situated in an industrial zone, commercial zone, or an airport zone.
  - (l) constitutes a danger or imminent danger to any person or property as contained in the National Building Regulations;
  - (m) encroaches over the boundary line of the property on which it is erected; or
  - (n) is detrimental to the environment in which it is located by reason of scale, intensity of illumination or design;
  - (o) Advertisements or signs interfacing with traffic or shipping control. No advertisement or sign shall be displayed or erected:
    - (i) which interferes with or is likely to interfere with any sign or signal for the control of traffic or with any marine or air navigational light or which is in any way likely to constitute a danger to traffic or shipping or aircraft;
    - (ii) which is so placed as to obstruct the view of traffic whether at any street intersection or elsewhere.

- (p) Advertisements or signs in certain materials. No advertisement or sign shall be displayed or erected:
- (i) on top of a canopy or veranda unless it consists solely of individual letters not exceeding 750mm in height to which may be added not more than two symbols, provided that:
    - (aa) the letters and symbols shall be of the cut-out type or be individually boxed; and
    - (bb) a symbol shall not exceed 1m in height, and shall be mounted separately to the letters;
    - (cc) as a sky sign except in an industrial or harbour zone unless it is, in the opinion of the Authorised Officer, or such size or so backed by a portion of the building, or so constructed, as not to detract from the amenities of the neighbourhood or the appearance of the building;
  - (ii) in any area other than an industrial or general business zone unless such advertisement or sign is of an exclusively directional nature or is erected on an accommodation establishment as defined in section 1 of the Tourism Act, 1993 (Act 72 of 1993) or retail business premises;
  - (iii) on a sign made of cloth, paper, plastic or paper-mache or other material of a like nature unless such advertisement:
    - (aa) is displayed on a sale banner which is erected, parallel to and on the face of the premises fronting a street, not more than six times annually for periods not exceeding two weeks and which does not exceed 0,4m<sup>2</sup> in area for each linear metre of building frontage;
    - (bb) relates to current or forthcoming programmes and is displayed on or within the curtilage of premises used for public entertainment upon a sign and in a position approved by the Authorised Officer;
    - (cc) is displayed on an approved ground sign or on a flag which is affixed to a flagpole attached to a building in a manner approved in writing by the Authorised Officer, subject at his discretion, to certification by a registered professional engineer;
    - (dd) is displayed during public celebrations or festive occasions;
  - (iv) is on any portion of a sunblind or awning;
  - (v) is displayed as an advertisement in accordance with the provisions of bylaw 12 of these bylaws;
  - (vi) is either a flag of an embassy, central government or provincial government, the Municipality or the registered flag of a shipping company's house flag displayed at its main office or factory in the town.

## **CHAPTER 8**

### **AREAS OF CONTROL**

#### **40. Areas of control**

(1) For the purposes of this By-law, the following areas of control exist as per Annexure A:

- (a) areas of maximum control;
- (b) areas of minimum control;
- (c) areas of partial control; and
- (d) special advertising zones.

(2) The areas of control in which signs can be displayed are identified as set out in Schedule 19 hereto.

#### **(3) Areas of maximum control**

In areas of maximum control–

- (a) only low impact outdoor advertising signs which do not intrude into, dominate or derogate in any way from the character or quality of the environment, including the visual, social and traffic safety aspects, will be permitted; and
- (b) third party advertising is not permitted.

#### **(4). Areas of partial control**

In areas of partial control–

- (a) only moderate impact outdoor advertising signs are permitted, taking into account the environmental impact including the visual, social and traffic safety aspects;
- (b) third party advertising may be permitted on billboards on Municipal property and on advertising signs with an area not exceeding 18m<sup>2</sup>, subject to appropriate limitations on the size, position and the number of signs; and
- (c) wall billboards may be permitted and shall not cover more than 50% of the surface of a return or retaining wall.

#### **(5) Areas of minimum control**

In areas of minimum control, high impact outdoor advertising signs and third party outdoor advertising signs are permitted, subject to appropriate limitations on the size position and the number of signs.

#### **41. Advertising Control Map**

(1) The Council may adopt an Advertising Control Map which indicates the–

- (a) boundaries of areas of maximum control, minimum control and partial control within its area of jurisdiction;
- (b) types of signs which are prohibited within the areas contemplated in paragraph (a); and
- (c) types of signs which are permitted within the areas contemplated in paragraph (a) and any conditions to which they may be subject to.

An Advertising Control Map must comply with the provisions of this By-law and with any other applicable law.

#### **42. Public participation**

(1) The Municipality must consult with interested and affected persons, business people and residents in any area under consideration before the adoption of an Advertising Control Map.

(2) The consultation process contemplated in subsection (1) above must comply with the provisions set out in subsections (3) to (7) below.

(3) The Municipality must–

- (a) compile a draft Advertising Control Map; and
- (b) publish a notice in the prescribed manner and form–
  - (i) informing the public that the draft Advertising Control Map is available for inspection at a specified location and between specified hours; and
  - (ii) inviting comments and objections from the public, to be received by the Municipality by a specified date not less than 30 days after the publication of the notice.

(4) The notice contemplated in subsection (3) above must–

- (a) contain a summary of the key aspects of the draft Advertising Control Map; and
- (b) be published in two local daily newspapers that circulate in the area, or if there is a community newspaper which is free to the public and is circulated in the area, it may be published in the community newspaper and one daily local newspaper. The Municipality may call for a public meeting to be held and the public meeting must be held not less than seven days or more than 60 days after the date of the publication of the notice referred to in subsection (3) above.
- (c) At the public meeting contemplated in subsection (5), the Municipality must–
- (d) present and explain the draft Advertising Control Map;
- (e) respond to any queries related to the draft Advertising Control Map;
  - (i) give interested and affected persons, business people and residents an opportunity to make comments and to lodge objections; and
  - (ii) take minutes of the meeting.



- (f) The Municipality must consider all objections or comments received from the public regarding the draft Advertising Control Map.
- (5) After having considered the comments and objections, the Municipality may, within a reasonable period from the commencement of the public participation process–
- (a) adopt the draft Advertising Control Map;
  - (b) amend and adopt the draft Advertising Control Map; or
  - (c) reject the draft Advertising Control Map.
- (6) Notwithstanding the provisions of section 59 of the Local Government: Municipal System Act, 2000 (Act No. 32 of 2000) the Council may not delegate its decision-making powers.
- (7) In the event that the Council adopts an Advertising Control Map, a notice must be published in the manner contemplated in subsection (4) above, as well as in the *Provincial Gazette*–
- (a) confirming that the Advertising Control Map has been adopted;
  - (b) giving notice of the commencement date of the Advertising Control Map;
  - (c) summarising the key aspects of the Advertising Control Map; and
  - (d) confirming that the Advertising Control Map is available for inspection at a specified location and between specified hours.

### **43. Amendment, revocation and review of Advertising Control Maps**

- (1) The Council–
- (a) may amend or revoke an adopted Advertising Control Map subject to the provisions of the Promotion of Administrative Justice Act ,2000 (Act No. 3 of 2000): Provided that the Council must follow the public participation process set out in section 18; and must review the adopted Advertising Control Map whenever the Council deem it necessary.

## **CHAPTER 9**

### **EXEMPTIONS**

#### **44 Exempted signs**

- (1) Subject to the provisions of any national or provincial legislation which may be applicable, the following advertisements and signs are exempted from the provisions of these Bylaws:
- (a) Any sign displayed inside a sport stadium which is not visible from outside the stadium;
  - (b) Any sign which is displayed inside a building at a distance of more than two metres from any window or other external opening through which it may be seen from outside the building and which is not aimed primarily at attracting the attention of the road user;
  - (c) Any national flag hoisted on a suitable flagpole as long as nothing is added to the design of the flag and no advertising material is added to the flagpole;
  - (d) Any sign which is displayed by the Council or at the instance or instruction of the Council;

- (e) Any sign displayed on an approved advertising board or structure which complies with other relevant requirements of these Bylaws;
- (f) Any banner or flag carried through the streets as part of a procession;
- (g) A price ticket smaller than 0.02m<sup>2</sup> on an item displayed in a shop window;
- (h) Any vehicle not deemed by the Authorised Officer, in his opinion, as an advertising vehicle as defined in these Bylaws, including a company branded vehicle either in transit or on the premises of the company concerned; and
- (i) Any advertisement or sign lawfully in existence before the date of promulgation of these Bylaws for a period of 24 months from the date of such promulgation, if such advertisement or sign is continuously displayed or kept in position without any alteration other than a minor alteration which the Authorised Officer in his sole discretion allows.

**45. Exempted areas or precincts**

- (1) Notwithstanding the provisions of section 30, it is hereby recorded that extraordinary circumstances prevailing in certain areas or precincts of the KwaDukuza municipal area may necessitate that the Council declare the area or precinct concerned exempt from the provisions of these Bylaws and the Code of Practice.
- (2) In determining whether extraordinary circumstances exist which justify an exemption as contemplated in this bylaw, the following shall be taken into consideration by the Council:
  - (a) Whether an urbanrenewal programme is in place which warrants a unique approach to outdoor advertising within its focus area;
  - (b) Whether an exemption from these Bylaws and the Code of Practice will contribute to the success of the urban renewal programme;
  - (c) The nature and function of the defined area;
  - (d) The enhancement of the defined area, which can be achieved by means of exemption;
  - (e) The financial benefit to the Council and/or the urban renewal programme accruing from such an exemption; and
  - (f) The nature and extent of outdoor advertising which will be permitted in terms of the proposed exemption.
- (3) In granting an exemption in terms of this bylaw, a comprehensive policy and guidelines governing outdoor advertising for the area or precinct to be exempted must be adopted by the Council.

**CHAPTER 10**

**WITHDRAWAL OR APPROVAL OF AMENDMENT AND REMOVAL OF ADVERTISEMENT STRUCTURES OR SIGNS**

**46. Withdrawal or amendment of approval**

- (1) The Council may, at any time, withdraw an approval granted or amend any condition or impose a further condition in respect of such approval if in the opinion of the Council an advertising sign does not conform to the Outdoor Advertising Policy and/or SAMOC, as amended from time to time, or if the advertisement or sign concerned does not comply with

any of the conditions of the approval granted in terms of these Bylaws, or for any other reason which the Council may in its discretion deem fit.

- (2) Any advertisement which, in the opinion of the Council, causes any interference or disturbance to the occupants of any affected premises shall be altered in such a manner as prescribed by the Council or be removed by the applicant/occupier within such period as may be specified by the Council.
- (3) The permission granted in respect of any advertisement or sign shall lapse when any alteration or addition is made to such advertisement or sign without the further approval of the Council, provided that Council may approve minor alterations at its discretion by means of an endorsement on the original application.

#### **47. Lawful instructions**

- (1) Failure to comply with a lawful request by an authorised official in accordance with the provisions of this By-law constitutes a contravention of this By-law.
- (2).An authorised official may enter onto any premises after reasonable notice has been given and at a reasonable time in order to conduct an inspection necessary for the proper enforcement and administration of this By-law.
- (3).In the event of the display of an unauthorised advertisement for an event held on private premises, the owner or person in charge of the premises must upon request by an authorised official provide the following information:
  - (a).name of event organiser; and
  - (b).any contact details of the event organiser.
- (4).Failure by the owner or person in charge to provide the information contemplated in subsection (3) above will result in the owner or person in charge being guilty of an offence.

#### **48. Notice to rectify or remove a sign**

- (1) If an outdoor advertising sign contravenes—
  - (a) a provision of this By-law;
  - (b) any condition of a permit to display or alter an outdoor advertising sign;
  - (c) an Advertising Control Map or the accompanying schedule of conditions which may be issued in terms of this By-law, the Municipality must serve a contravention notice on the owner or permit holder.
- (2) The contravention notice must direct the owner or permit holder within the time period determined by the Municipality to cease with the unlawful display of the sign, and may include an instruction to—
  - (a) Demolish or remove any unauthorised structure or sign and where necessary rehabilitate the land to its original form; or

(b).submit an application for a permit in terms of this By-law within 30 days of the service of the contravention notice and pay the contravention penalty.

(3) In the event that an application lodged in terms of paragraph 2(b) above is refused, the owner or permit holder must demolish or remove the unauthorised structure or sign within a prescribed period.

(4) The contravention notice contemplated in subsection (1) above must–

- (a) identify the person to whom it is addressed to;
- (b) provide a description of the immovable property on which the sign is located;
- (c) indicate whether an approval has or has not been granted for the display of the sign;
- (d) state that the display of the sign is illegal and indicate which provision of the By-law, condition or other provision the display of the sign contravenes;
- (e) indicate the steps the person must take and the period within which such person must do so;
- (f) direct the person’s attention to the following:

- (i).that the person could be prosecuted for and convicted of an offence;
- (ii).that on conviction, the person will be liable for the penalties as provided for; and
- (iii).that in addition to the conviction and imposition of a penalty, the person could be required by an order of the court to demolish or remove the unauthorised structure or sign and where applicable, allow the Municipality to enter the property to demolish or remove the unauthorised structure or sign; and

(g)in the case of an application for the authorisation of the sign as contemplated in section 2(b), that a contravention penalty including any costs incurred by the Municipality shall be imposed.

(5) Where the court convicts a person of an offence contemplated in this By-law, it may–

- (a)at the written request of the Municipality summarily enquire into and determine the monetary value of any advantage which that person may have gathered as a result of that offence; and
- (b)in addition to the fine or imprisonment contemplated in this By-law, order an award of damages, compensation or a fine not exceeding the monetary value of any advantage which the person may have gained as a result of that offence in favour of the Municipality.

(6) Notwithstanding the provisions of section 48(1), in the event that an outdoor advertising sign–

- (a) constitutes an imminent or irreversible threat or danger to the environment or the health, safety or well-being of any person, property or the public;

(b) in the opinion of the Municipality, is indecent, obscene, offensive or otherwise objectionable; or

(c) is displayed on Municipal property and has not been approved, the Municipality may immediately and without notice to any person remove or rectify the sign.

(7) The remedies provided for in this By-law are in addition to any other statutory or common law criminal or civil remedies that a Municipality may have at its disposal.

(8) The Municipality may implement a property rates adjustment in accordance with the use of the property where it has confirmed a contravention of this By-law.

#### **49 Recovery of costs**

(1) Where the Municipality removes or rectifies a sign or undertakes any remedial action, the owner and the permit holder shall be liable jointly and severally for the costs incurred by the Municipality in taking such action.

(2) The recovery of costs contemplated in subsection (1) is in addition to any fine which may be imposed on those persons.

(3) No person shall be entitled to compensation for any loss or damage arising out of any *bona fide* action or decision taken by the Municipality or any authorised official in terms of this By-law.

#### **50 Removal of signs and impoundment**

(1) An authorised official may remove and impound an unlawful outdoor advertising sign as provided for in this By-law or in terms of a court order.

(2) The removal and impoundment of any outdoor advertising sign in terms of subsection (1) may be effected irrespective of whether or not such sign is in the possession or under the control of any third party at the time.

(3) In the event that any goods to be impounded are attached to immovable property or a structure, an authorised official may order any person who appears to be in control of the immovable property or structure to remove the goods to be impounded.

(4) If the person contemplated in subsection (3) refuses or fails to comply—

(a) such person is guilty of an offence; and

(b) the authorised official may remove the goods him or herself.

(5) Any authorised official who removes and impounds goods in term of subsection (1) must issue the permit holder or owner of premises with a receipt which—

- (a) captures the full name, identity number and contact details of the person;
  - (b) states the relevant section of the By-law contravened;
  - (c) itemises and describes the goods to be removed and impounded;
  - (d) provides the address where the impounded goods will be kept;
  - (e) states the period of impoundment;
  - (f) states the term and conditions which must be met to secure the release of the impounded goods;
  - (g) states the impoundment fee to be paid to secure release of the impounded goods;
  - (h) states the terms and conditions on which unclaimed goods will be sold or otherwise disposed of;
  - (i) provides the name and address of a municipal official to whom any representations regarding the impoundment may be made and the date and time by which representations must be made;
  - (j) contains an acknowledgement signed or marked by the person confirming that—
    - (i) the contents of the receipt are correct;
    - (ii) the contents of the receipt have been explained to him or her; and
    - (iii) he or she understands the consequences of impoundment and the requirements for the release of such impounded goods; and
  - (k) contains the name of the authorised official concerned and the date and time of impoundment.
- (6) An authorised official must, immediately upon removing the goods, transport such goods to the place of impoundment stated on the receipt issued to the person in terms of subsection (5).
- (7) The Municipality must—
- (a) keep a register of impounded goods at all places of impoundment;
  - (b) immediately enter in the register the—
    - (i) details of the permit holder or owner of premises;
    - (ii) details of the goods removed and impounded, including the condition of such goods;
    - (iii) place and area where such goods were removed from;
    - (iv) name of the authorised official who attended to the removal and impoundment of the goods; and
    - (v) time and date of such removal and impoundment, upon the presentation of such goods at the place of impoundment.
- (8) Items which have been impounded may be released after payment of the prescribe impoundment and storage fees.

- (9) Impounded goods may be disposed of by the Municipality if the owner of the outdoor advertising sign does not, or is unable to, pay the impoundment fee within 30 days from the date of impoundment of those goods.
- (10) If impounded goods are disposed of by the Municipality in terms of subsection (9), the Municipality may, if the goods are claimed by the rightful owner, pay such person the proceeds of the sale less the prescribed impoundment and storage fees.
- (11) After the 30 day period mentioned in subsection (9) has lapsed, the Municipality must serve a notice on such person concerned advising him or her–
- (a) that the Municipality intends selling his or her impounded goods as a result of his or her failure to secure the release of such goods within the specified time;
  - (b) of the date, time and place where representations may be made by the person as to why the Municipality should not sell his or her goods; and
  - (c) of the date, time and place of such sale should the person prove to be unsuccessful in his or her attempt to have such goods released as per paragraph (b).

## **51. Vicarious liability**

- (1) Where there has been a contravention of this By-law or a condition of a permit to display or alter an outdoor advertising sign, the owner of the premises on which an outdoor advertising sign is displayed, the permit holder or owner of the sign is deemed to have committed such contravention unless he or she satisfies the court that he or she took reasonable steps to prevent such contravention.
- (2) The fact that the owner, permit holder or owner of the sign contemplated in subsection
- (3) issued instructions to the employee or agent, prohibiting such contravention, must not in itself constitute sufficient proof of such reasonable steps.

## **52. Serving of notices**

- (1) Whenever a notice is required to be served on a person in terms of this By-law, it is deemed to have been effectively and sufficiently served on such person –
- (a) when it has been delivered to him or her personally;
  - (b) when it has been left at his or her place of residence or business in the Republic of South Africa with a person apparently over the age of 16 years;

- (c) when it has been posted by registered or certified mail to his or her last known residential or business address in the Republic of South Africa and an acknowledgement of the posting thereof is produced;
- (d) if his or her address in the Republic of South Africa is unknown, when it has been served on his or her agent or representative in the Republic of South Africa in the manner contemplated in paragraphs (a), (b) or (c); or
- (e) if his or her address and agent in the Republic of South Africa are unknown, when it has been affixed to a conspicuous place on the building.

(2) The date of notification in respect of any notice served in terms of this By-law is–

- (a) on the fourth day after the postmarked date upon the receipt for registration, when it is served by registered mail;
- (b) the date of delivery, when it is served on the person personally;
- (c) the date that the notice was left at a person's place of residence or place business in the Republic with a person apparently over the age of sixteen years;
- (d) the date on which the notice was successfully transmitted, if the document is served by electronic transmission to the e-mail address or facsimile address;
- (e) the date on which the notice was displayed in a conspicuous place on the property or premises to which it relates, is the date on which the notice was posted or affixed to such place; or
- (f) in the case of a juristic person, to its registered address or principal place of business.

### **53 Offences**

(1) A person commits an offence if he or she–

- (a) contravenes any–
  - (i) provision of this By-law;
  - (ii) condition of a permit which has been issued to him or her; or
  - (iii) provision of a Advertising Control Map issued by the Municipality in terms of this By-law;
- (b) fails to comply with any lawful instruction or notice given in terms of this By-law;
- (c) threatens, resists, interferes with or obstructs any authorised official in the performance of official duties or functions in terms of or under this By-law; or
- (d) deliberately furnishes false or misleading information to an authorised official.

(2) A person commits a continuing offence if he or she continues with an offence –



- (a) after the notice has been served on him or her in term of this By-law requiring him or her to cease committing such offence; or
- (b) continues with an offence after he or she has been convicted of such offence.

#### **54 Penalties**

- (1) Any person who is convicted of an offence under this By-law is liable to a fine or imprisonment not exceeding 20 years, or to both such fine and imprisonment.
- (2) In the case of a continuing offence, an additional fine or imprisonment for a period not exceeding three months, for each day on which such offence continues or both such fine and imprisonment, will be imposed.
- (3) The municipality have a rights to impose the contravention fees or penalties which should be administered by Peace Officers within council. Those contravention fees or fines or penalties will be provided through Tariffs of Charges and subject to change on each final year.
- (4) Council have a right to consolidate these fines and include them to the customer municipal billing accounts for collection.

#### **55. Presumptions**

- (1) Any person charged with an offence in terms of this By-law who is–
  - (a) alone, or jointly with any other person, responsible for organising, or in control of any meeting, function or event, to which an outdoor advertising sign relates, is deemed, until the contrary is proved, to have knowingly displayed every unlawful sign displayed in connection with such meeting, function or event or to have caused or allowed it to be so displayed;
  - (b) the person whose name appears on an unlawful outdoor advertising sign, or whose product or services are advertised on such sign, is deemed, until the contrary is proved, to have displayed such sign, or to have caused or allowed it to be displayed;
  - (c) the owner of any land or building on which any unlawful outdoor advertising sign was or is displayed, is deemed, until the contrary is proved, to have knowingly displayed such sign, or caused or allowed it to be displayed;
  - (d) in possession of ten or more identical handbills in a public place is deemed, until the contrary is proved, to be handing out such handbills; and
  - (e) the owner of an advertising vehicle parked on private property but in view of a public place is deemed, until the contrary is proved, to have knowingly displayed the outdoor advertising sign on the advertising vehicle.

### **CHAPTER 11**

## **AESTHETICS COMMITTEE**

### **56. Establishment of Aesthetics Committee**

- (1) An Aesthetics Committee is hereby established for the Municipality, the members of which shall include officials from all relevant departments of the Municipality involved in the consideration and assessment of advertising applications, and its duties and functions shall include the following:
  - (a) discussing and co-ordinating matters relating to outdoor advertising;
  - (b) considering and making decisions on permanent outdoor advertising applications in order to ensure that applications comply with the provisions of these Bylaws, the Outdoor Advertising Policy and any other relevant legislation; and
  - (c) considering any written comments, representations or objections that have been received from the general public or any interested and affected party in respect of matter relating to outdoor advertising or an application from any interested party, all of which must be considered by the Aesthetics Committee before taking a decision on the application.

## **CHAPTER 12**

### **OUTDOOR ADVERTISING POLICY**

#### **57. Bylaws to give effect to the Outdoor Advertising Policy**

- (1) These Bylaws, as amended, shall give effect to the Outdoor Advertising Policy, its implementation and enforcement.
- (2) The Outdoor Advertising Policy may permit various types of advertising signage in the three areas of control in accordance with the degree of visual impact on the environs and the use of the South African Manual for Outdoor Advertising Control (SAMOAC) as a guiding document to support the Council or the Authorised Officer to exercise discretion –
  - (a) to permit advertising signs in the areas of maximum, partial and minimum control in accordance with the Outdoor Advertising Policy, the directives and accepted conditions and principles for control; and
  - (b) not to permit advertising signs in areas considered to be contrary to the Policy directives, general conditions and principles for control or to be contrary to the classified and demarcated spatial and other entities and other entities within these areas of control.
- (3) Bylaws to take precedence over the Outdoor Advertising Policy, these Bylaws, as amended, shall take precedence over the Outdoor Advertising Policy which Policy shall, in turn, take precedence over the SAMOAC in the event of any conflict arising in the interpretation thereof.
- (4) Waiver of compliance with Outdoor Advertising Policy by the Council Notwithstanding anything contained in these Bylaws or the Outdoor Advertising Policy, the Council may waive compliance with the Outdoor Advertising Policy, but –

- (a) only in circumstances which are considered exceptional by the Council; and
- (b) where the Council considers a proposal to be in the interests of the community or to be for the betterment and/or upliftment of its society; Provided that such waiver is of financial and/or other pertinent interest to the Municipality and not detrimental to the technical aspects concerning public safety and security.

## **CHAPTER 13**

### **DELEGATIONS**

#### **58. Delegations**

(1) Subject to the Constitution and applicable national and provincial laws, any–

- (a) power, excluding a power referred to in section 160(2) of the Constitution;
- (b) function; or
- (c) duty,

conferred, in terms of this By-law, upon the Council, or on any of the Municipality's other political structures, political office bearers, councillors or staff members, may be delegated or sub-delegated by such political structure, political office bearer, councillor, or staff member, to an entity within, or a staff member employed by, the Municipality.

(2) A delegation contemplated in subsection (1) must be effected in accordance with the system of delegation adopted by the Council in line with section 59(1) of the Local Government: Municipal System Act, 2000 (Act No.32 of 2000), subject to the criteria set out in section 59(2) of said Act.

(3) Any delegation contemplated in this section must be recorded in the Register of Delegations, which must contain information on the–

- (a) entity or person issuing the delegation or sub-delegation;
- (b) recipient of the delegation or sub-delegation; and
- (c) conditions attached to the delegation or sub-delegation.

## **CHAPTER 14**

### **REPEAL**

#### **59. Repeal of bylaws**

**This bylaw repeals KwaDukuza Outdoor Advertisement Bylaw which was gazette on the 04 of July 2013, in the Provincial Gazette , Notice Number Vol 7 No.979**

**60. Effective Date**

This bylaw is effective from the 1<sup>st</sup> of July 2018.

**Annexure 1**

<b>MAXIMUM CONTROL</b>			<b>PARTIAL CONTROL</b>	<b>MINIMUM CONTROL</b>
Natural landscape	Rural landscape	Urban landscape	Urban landscape	Urban landscape
National Parks Nature reserves Forestry areas Natural environments Marine Reserves Beaches and Sea shores Oceans Extensive agriculture Scenic corridors Scenic landscape River corridors Wetlands Open Spaces	Municipal Parks Horticultural areas Open Space System Private Open Spaces Public Open Spaces Rural small holdings Intensive agriculture Scenic drives Scenic routes Scenic features Peri-urban and Traditional areas ITB areas	Metropolitan Horticultural areas Open Space System Private Open Spaces Public Open Spaces Pedestrian malls Pedestrian squares Community facilities Urban small holdings All Residential zones Scenic features Scenic drives Gateways River corridors Wetlands	Central Business Districts Commercial & office components of residential amenities Commercial enclaves in residential areas Commercial nodes & ribbon development Municipal / government Entertainment districts or complexes Educational institutions Sports fields & stadia Mixed use & interface areas Visual zones along urban roads	Central commercial districts linked to railway/industrial zones Industrial areas Industrial zones Transport nodes Traffic corridors Transportation terminals

		Conservation Areas Heritage & Battlefield sites Historic or graded buildings and areas Visual zones along freeways		
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