

# ELIAS MOTSOLEDI LOCAL MUNICIPALITY



# ADVERTISING SIGNS AND HOARDING BY-LAW, 2022

ELIAS MOTSOLEDI LOCAL MUNICIPALITY

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## **1. DEFINITIONS**

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

**Advertisement** means any 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 is visible from any street or public place.

**Advertising hoarding** means a screen, fence, wall or other structure in a fixed position to be used, or intended to be used, for the purpose of posting, displaying or exhibiting any advertisement.

**Advertising sign** means any advertisement or object, structure or device which is in itself an advertisement or which is used to display an advertisement, in view of any street or public place.

**Advertising structure** means any physical structure built to display advertising.

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**Aerial sign** means any sign attached to a kite, balloon, or similar device whereby it is suspended in the air over any part of the area.

**Affix** means to firmly secure which includes to paint onto and "affixed" shall have a corresponding meaning.

**Animation** means moving units or pictures, flashing lights, and other non-stationery devices which are used to gain added attention and awareness.

**Approved** means approved by the Council and "approval" has a corresponding meaning.

**Arcade** means a covered pedestrian thoroughfare not vested in the Council, whether or not located at ground level passing wholly or partly through a building and to which the public normally has regular and unrestricted access.

**Backlight units** (backlit) means advertising structures which house illumination in a box to throw light through translucent advertising printed on plastic or heavy duty paper for a higher visibility and extended night viewing.

**Billboard** means a large free-standing structure used or intended to be used for the purpose of posting, displaying or exhibiting any advertisement.

**Building** means any structure whatsoever with or without walls, having a roof or canopy and a normal means of ingress and egress thereunder, covering an area in excess of 4.6m<sup>2</sup> and having an internal height of more than 1.650m.

**Canopy** means a structure in the nature of a roof projecting from the facade of a building and cantilevered from that building or anchored otherwise than by columns or posts.

**Charge** means the appropriate monetary charge determined by the Council.

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**Clear height** means the vertical distance between the lowest edge of the sign and the level of the ground, footway or roadway immediately below such sign.

**Copy (Artwork)** means the complete advertising message to be displayed.

**Commercial Advertising** means any words, letters, logos, figures, symbols and pictures relating to the name of a business, a trade, a partnership or an individual or any information, recommendation or exhortation in respect of any particular goods manufactured or sold or any particular services rendered or offered.

**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.

**Council** means the Municipality or its successor(s) in-law or any officer employed by the Council 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 this By-Law.

**Cut-outs / embellishments / add-ons** means letters, packages, figures or mechanical devices attached to the face of an outdoor sign which extend beyond the rectangular area for greater attention value. (Can provide a three dimensional effect.)

**Depth of a sign** means the vertical distance between the uppermost and lowest edges of the sign.

**Directional sign** means a sign indicating the way to a place, undertaking or activity for the purpose of advertising or directing public attention as contemplated in the definition of "Advertisement".

**Display of a sign** shall include the erection of any structure if such structure is intended solely or primarily for the support of a sign.

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**Display period** means the exposure time during which the individual advertising message is on display.

**Election** means either National, Provincial or Local Government elections and by-elections held from time to time.

**Erf** means any piece of land registered in a deeds registry as an erf, lot, plot, stand or agricultural holding.

**Flashing sign** means a sign in which a symbol, figure, message or illustration intermittently appears and/or disappears and/or illuminated with varying colour or intensity.

**Flat sign** means any sign which is affixed to or painted directly on a main wall and which at no point projects more than 250mm in front of the surface of such wall.

**Flyposter** means any poster which is pasted by means of an adhesive directly onto a surface.

**Ground sign** means any sign detached from a building, other than an aerial sign, hoarding, billboard or advertising structure.

**Illuminated** means the installation of electrical equipment on an outdoor structure for illumination of the copy message at night.

**Illuminated sign** means a sign, the continuous or intermittent functioning of which depends upon it being illuminated.

**Inflatable sign** means any hoarding erected and maintained by means of air or gas used for the purpose of posting or displaying any advertisement.

**Main wall of a building** means any external wall of such building, but shall not include a parapet wall, balustrade or railing of a verandah or a balcony.

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**Movable temporary sign** means a sign not permanently fixed and not intended to remain fixed in one position, but does not include any moving part in a fixed permanent sign.

**Non-profit body** means a body established to promote a social goal without the personal financial gain of any individual or profit making commercial organization involved and which submits adequate proof to the satisfaction of the Council of its non-profit status.

**Person** includes both natural and juristic persons.

**Poster and notices** means any placard announcing or attracting public attention to any meeting, event, function, activity or undertaking or to the candidature of any person nominated for election to National, Provincial or Local Government or similar body or to a referendum.

**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 a sign, whether stationary or actuated, attached to and protruding from the facade of a building.

**Public place** means any road, street, thoroughfare, bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space vested in the Council.

**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.

**Residential purposes** means the use of a building as a dwelling house, two or more dwelling units, a hostel, a boarding house, and a residential club.

**Road traffic sign** means any road traffic sign as defined in the Road Traffic Act, 1989 (Act No. 29 of 1989), the detailed dimensions and applications of which are controlled by the regulations to this Act and the

South African Road Traffic Signs Manual (Note: Act will be replaced by The National Road Traffic Act, Act 93 of 1996 in the near future).

**Rotating sign** means a sign, which rotates about any axis.

**Running light sign** means a sign or portion of a sign in the form of an illuminated strip, the illumination of which varies periodically in such a way as to convey the impression of a pattern of lights moving steadily along such strip.

**Shelter displays** means posters positioned as an integral part of a freestanding covered structure.

**Sign Alley** is a section of road where advertising structures have been permitted at less than prescribed distances but in such a manner that no advertising structure shall obstruct another in any way.

**Sky sign** means any sign erected or placed on or above any roof, parapet wall or the eaves of a building, but does not include a sign painted on a roof of a building.

**Spectacular** (an industry term) means a giant, modern, illuminated advertising billboard.

**Storey** means the space within a building which is situated between one floor level and the next floor level next above, or if there are no clearly defined storeys, the height of a storey shall be taken as 4,5m.

**Street** means any street, road or thoroughfare shown on the general plan of a township, agriculture holding or any other division of land or in respect of which the public have acquired a prescriptive or other right of way and which vests in the Council.

**Temporary advertisements** means signs and advertisements which are usually displayed to publicise a forthcoming event or to advertise a short term use of the advertisement site.

**Temporary sign** means a sign not permanently fixed and not intended to remain fixed in one position.



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**Third-party advertising** means any advertising displayed which is not appropriate to the type of activity on the erf or site to which it pertains.

**Transit advertising** means all advertising on normally moving vehicles including taxis, buses, trailers, trams, vessels, etc.

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

**Verandah** means a structure in the nature of a roof attached to or projecting from the facade of a building and supported along its free edge by columns or posts.

**Window signs** are signs, which are permanently painted on, or attached to, the window-glass on a window.

**2. APPLICATIONS FOR COUNCIL'S APPROVAL FOR ADVERTISING SIGNS AND HOARDINGS**

- (1) No person shall display or erect any advertising sign or hoarding or use any advertising sign or hoarding or use any structure or device as an advertising sign or hoarding without first having obtained the written approval of the Council; provided that the provisions of this Clause shall not apply to signs contemplated in Clause 4,
- (2) No sign erected displayed with the approval of the Council shall in any way be altered, moved, reerected nor shall any alteration be made to the electrical wiring system of such sign except for the purposes of renovating or maintenance, without the further approval of the Council in terms of subclause (1).
- (3) (a) An application in terms of sub-clause 1, accompanied by the required application fee, specified in the tariff of charges, as determined by Council and subject to Clause 40, shall be signed by the owner of the proposed advertising sign or hoarding and by the registered owner of the land or building on which the sign or advertising hoarding is to be erected or displayed, or on behalf of the owner of the land or building by his agent authorized in writing by such owner and shall be accompanied by:
- (i) a locality plan indicating the anticipated position of the sign within the area of the Elias Motsoaledi Local Municipality. The Council may require the locality for signs in excess of 10 square meters to be indicated.
  - (ii) a block plan of the site on which the advertising sign or hoarding is to be erected or displayed, drawn to a scale of not less than 1:500 showing every building on the site and the position with dimensions of the sign or advertising hoarding in relation to the boundaries of the site and the location of the streets and buildings on properties abutting the site;
  - (iii) a drawing sufficient to enable the Council to consider the appearance of the advertising sign or hoarding and all relevant construction detail;

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- (iv) a drawing showing the advertising sign or hoarding in relation to other similar type signage in the area in which it will be erected.
- (b) Every such plan and drawing shall be clearly reproduced on an approved material in sheet form not less than A4 size (210mm x 297mm); and
- (c) A drawing required in terms of paragraph (a) (iii) shall show all details of the sign and shall be drawn to a scale of not less than 1:20 or other scale acceptable by Council.
- (d) The Council may require additional information in relation to the land on which the sign is to be erected, its use and impact.
- (4) If a sign is to be attached to or displayed on the facade of a building, the Council may require the submission of an additional drawing showing an elevation of the building in colour, the details and position of the proposed sign and the details and the position of every existing sign on the building drawn to a scale of not less than 1 : 100, or the Council may require a coloured print of or an artist's photographic or computer generated impression of the building with the details of the proposed sign superimposed on such graphic and draw as nearly as is practicable to the same scale as that of the graphic.
- (5) In considering an application submitted in terms of sub-clause (1), the Council may, in addition to any other relevant factors, have due regard to the following:
- (a) No advertising sign or hoarding or copy should be so designed or displayed that:
- (i) it will be detrimental to the environment or to the amenity of the neighborhood by reason of size, intensity of illumination, quality of design or materials or for any other reason;
- (ii) it will constitute a danger to any person or property;
- (iii) it will display any material which in the opinion of the Council is indecent, suggestive of indecency, prejudicial to public morals or objectionable;
- (iv) it will obliterate any other signs;
- (v) it will in the opinion of the Council be unsightly or detrimentally impact upon a sound architectural design;

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- (vi) it will in any way impair the visibility of any road traffic sign or affect the safety of motorists or pedestrians,
- (b) The size and location of a proposed advertising sign or hoarding and its alignment in relation to any existing advertising sign or hoarding or the same building or erf and its compatibility with the visual character of the area surrounding it.
- (c) The number of signs displayed or to be displayed on the erf concerned and its legibility in the circumstances in which it is seen;
- (d) The sign, if not appropriate to the type of activity on or zoning of the erf or site to which it pertains should be considered on its merits.
- (7) The Council, subject to Clause 41, may refuse any application submitted in terms of sub-clause (1) or grant its approval subject to any amendment and/or condition which it may deem expedient, including a condition that the owner of any advertising sign or hoarding or the owner of the land or building on which such advertising sign or hoarding is to be erected and displayed, or both such owners, indemnify the Council to its satisfaction against any consequences flowing from the erection, display or mere presence of such advertising sign or hoarding.
- (8) The Council shall without delay and in writing notify the applicant, an objector or any person who has made representations, of its decision taken by virtue of sub-clause (7).
- (9) Every application, plan, drawing and other document submitted in terms of this Clause shall on approval be retained by the Council for its records.
- (10) Any sign or advertising hoarding for which approval has been granted in terms of sub-clause (7), shall be erected and displayed in accordance with any plan, drawing or other document approved by the Council and any condition imposed in terms of that sub-clause; the Council shall be notified once any approved advertising sign or hoarding has been erected.

(11) Notwithstanding anything contained in this By-Law, any advertising sign or hoarding which complies to the Council's satisfaction, with the considerations referred to in sub-clause (6)(a), may be approved by the Council.

(12) Notwithstanding anything contained in this By-Law, this By-Law are to be applied to the Land Use Zones as set out in the enforceable Town Planning Scheme/Land Use Scheme for the area of jurisdiction of the Municipality.

(13) Advertising signs and hoardings approved in terms of Clause 2(7) will conform to the design requirements set out in Clause 28,

### **3. WITHDRAWALS OR AMENDMENT OF COUNCIL'S APPROVAL**

(1) The Council may, at any time, withdraw an approval granted in terms of Clause 2(7) or amend any condition or impose a further condition in respect of such approval, if in the opinion of the Council an advertising sign or hoarding:

- (a) Will be or become detrimental to the environment or the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or materials or for any other reason;
- (b) Will constitute or become a danger to any persons or property;
- (c) Will obliterate other signs, natural features, architectural features or visual lines of civic or historical interest.

(2) Should an approved advertising sign or hoarding not be erected within six (6) months from approval or within a time specified in the approval granted, the approval will lapse.

(3) Should the information requested by the Council to process a signage application not be provided within a three-month period from the date of the request, the application shall be regarded withdrawn.

### **4. EXEMPT SIGNS**

(1) The following signs shall be exempt from the provisions of Clause 2 but shall comply with all other provisions of this By-Law save for signs contemplated in (a) and (b) which need not so comply:

- (a) any sign displayed in an arcade;

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- (b) any sign displayed inside a building;
- (c) any sign displayed on an approved advertising hoarding;
- (d) any sign advertising a current event in a cinema, theatre or other place of public entertainment, displayed in a fixture or building especially made for such display;
- (e) any sign not exceeding the sizes specified hereunder, which is displayed on a site where a building, swimming pool, tennis court, paving, fencing or garden landscaping or any other structure is in the course of being constructed, erected, carried out or altered and which describes the building or structure being erected or other work or activity being carried out, and which displays the names of the contractors or consultants concerned in such work or activity and identifies the branches of the industry or the professions represented by them, during the course of such construction, erection, carrying out of alterations as the case may be: Provided that only one such sign, or set of signs shall be permitted per street frontage of a site; and which is placed on or affixed to the building concerned or attached parallel on the boundary fence of the erf on which the building is situated. Such signs are to be removed within 21 days of the completion of the contract. Signage for ongoing maintenance contracts is not permitted;
- (i) Project boards, 6m<sup>2</sup> and with a maximum erected height of 6m, giving the names of Architects, Consultants and Contractors;
- (ii) Individual Contractors and Sub-Contractor's Board: 2m<sup>2</sup>. ;
- f) any sign, other than a sign provided for in paragraph (e), not exceeding 12m<sup>2</sup>, and not exceeding a maximum erected height of 6m, which portrays or describes the type of development being carried out on a site and which gives details of the type of accommodation being provided, floor space available, the name, address and telephone number of the developer or his agent, erected during construction work or the carrying out of alterations or additions as the case may be and remaining for a period not exceeding 2 months after the completion of such work;
- (g) a sign on a street frontage of a building occupied by shops, showrooms or other business uses as defined in the relevant Town Planning Scheme, other than a sign in an office park area, which is below the level of the ground floor ceiling and which is displayed on or fixed to the face of a building or suspended from the soffit of a canopy or verandah roof;
- (h) a sign consisting of a 600mm x 450mm metal plate or board permitted in terms of Clause 14;

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- (i) any flag hoisted on a suitable flag pole which displays only a company name and motif. A maximum of 5 flag poles of 7m in height is permitted unless specific permission has been applied for as contemplated in terms of Clause 2 for more than 5 flag poles;
- j) any sign in a locality wholly or mainly used for residential purposes, other than a brass plate or board not exceeding 600mm x 450mm in size, affixed indicating the name, address and telephone number of a security company contracted to protect the property, provided that only one sign per stand or subdivision shall be permitted and such sign shall be firmly affixed to the boundary wall, fence or gates on the street frontage;
- (k) one sign not exceeding 600mm x 450mm in size on each street boundary of an erf or portion of an erf which sign indicates the existence of a commercial security service, burglar alarm system etc.
- (l) a sign not exceeding 2m<sup>2</sup>, indicating the existence of a Block or Neighbourhood Watch System, displayed on a boundary wall or fence or in a position approved by the Council. If erected on its own pole(s), the minimum underside clearance of the sign above the pavement must be 2.1m.
- (2) The owner of the building or property on which a sign contemplated in sub-clause (1) (g) is displayed, shall indemnify the Council against any consequences flowing from the erection, display or mere presence of the sign.
- (3) Any sign which does not comply with the provisions of this By-Law and which was lawfully displayed on the day immediately preceding the date of commencement of this By-Law shall be exempt from the requirements of this By-Law if the sign in the opinion of the Council is properly maintained and is not altered, moved or re-erected as contemplated in Clause 2(2).
- (4) Road traffic signs erected in terms of any Act of Parliament, Provincial Ordinance or By-law are exempt from the provisions of this By-Law.
- (5) Any sign erected as a specific requirement in terms of any By-law, Provincial Ordinance or Act of Parliament is exempt from this By-Law.

(6) Any transit sign, which is mobile at all times and complies with all requirements of the Road Traffic Act is exempt from this By-Law.

### 5. PROHIBITED SIGNS

No person shall erect or cause or permit to be erected or maintained any of the following signs:

- (1) Any swinging sign, which is a sign not rigidly and permanently fixed.
- (2) Any sign which may either obscure a road traffic sign, be mistaken for with or interfere with the functioning of a road traffic sign.
- (3) Any sign which may obscure traffic by restricting motorists' vision and lines of sight thus endangering motorists' safety.
- (4) Any sign which is indecent or suggestive of indecency, prejudicial to public morals or is reasonably objectionable.
- (5) Any sign which will obstruct any window or opening provided for the ventilation of a building or which obstructs any stairway or doorway or other means of exit from a building or which will prevent the movement of persons from one part of a roof to another part thereof.
- (6) Any animated or flashing sign the frequency of the animations or flashes or other intermittent alternations of which disturbs the residents or occupants of any building or is a source of nuisance to the public or impairs road traffic safety.
- (7) Any illuminated sign, the level of illumination of which unreasonably disturbs the residents or occupants of any building or is a source of nuisance to the public.
- (8) Any movable temporary or permanent sign other than those specifically provided for in this By-Law.
- (9) Any sign referring to a price or change in price of merchandise except in a shop window, or on the article itself.
- (10) Any advertisement or sign other than an exempted sign, for which neither a permit nor approval has been obtained.
- (11) Any sign or poster attached to a Road Traffic Sign.



## **6. SIGNS SUSPENDED UNDER VERANDAHS OR CANOPIES**

Every sign, which is suspended from a verandah or a canopy, shall comply with the following requirements:

- (1) Unless the Council otherwise permits, having regard to the design of the verandah or canopy and its associated building and to the position of the building in relation to the street boundary of the erf, the sign shall be fixed with its faces at right angles to such boundary.
- (2) No part of the sign shall project beyond the outer edge of the verandah or canopy from which it is suspended.
- (3) No part of the sign shall be less than 2.4m above the surface of the sidewalk or ground level immediately below it, nor should the top of the sign be more than 1 m below the canopy or verandah from which it is suspended nor shall any sign exceed 1m in depth.
- (4) Unless the Council in writing otherwise permits, the bottom edge of the sign when suspended shall be horizontal and the supports by means of which the sign is suspended, shall be an integral part of the design of the sign.

## **7. SIGNS ON VERANDAHS AND CANOPIES OVER STREET**

- (1) Save as herein before provided with regard to hanging signs, every sign affixed to or onto a verandah over a street shall be set parallel to the building line.
- (2) Such signs shall not exceed 600mm in depth and shall be fixed immediately above the eaves of the verandah roof in such manner as not to project beyond the rear of the roof gutter or shall be fixed against but not above or below the verandah parapet or balustrade in such manner as not, to project more than 230mm from the outside face of such parapet or balustrade: Provided that
  - (a) a sign on a public building fixed to or on a verandah over a street and which displays only the features or programme of an entertainment to be given in such public building shall:
    - (i) have a maximum area of 1m in the aggregate for every 1.5m or part thereof of the frontage of such building to the street over which the sign is erected; (ii) not exceed 1.2m in height.
    - (b) nothing in this Clause contained shall be taken to prohibit the painting of signs not exceed 600mm in depth on beams over verandah columns, or on parapets of verandahs;

(c) no illuminated sign or sign designed to reflect light, shall be attached to or displayed on any splayed or rounded corner of a verandah or canopy at a street intersection.

## **8. PROJECTING SIGNS**

(1) All projecting signs shall be set at right angles to the building line and shall be fixed at a height of not less than 2,75m above the pavement.

(2) Save as is provided in sub-clause (3), no projecting signs shall exceed 600mm in height, nor project more than 900mm from the building to which they are attached.

(3) Notwithstanding the provisions of sub-clause (2), larger projecting signs may be erected: Provided:

(a) the owner of the building or the person for whom the sign is being erected shall make application for and assume at responsibility in connection with such sign, including maintenance, an annual inspection to satisfy himself regarding its safety and liability for all loss or damage caused to any person or property by reason of or in any way arising out of the erection, maintenance or existence of such sign;

(b) the design thereof shall be to the satisfaction of the Council, and it shall comply in all respects with this By-Law;

(c) such sign shall be fixed at right angles to the street and the front of the building upon which it is erected;

(d) such sign shall be constructed of metal framing and covered with metal sheeting and shall not exceed 300mm in depth from face to face;

(e) such sign shall not exceed a mass of 450kg or 675kg in the case of a sign consisting only of the name of a central public entertainment building;

(f) such sign shall not exceed 9m in height or 1.5m total projection from the building, or in the case of a sign consisting only of the name of a central public entertainment building, 14m in height and 1.8m in total projection from the building: Provided that this paragraph shall not apply to any sign which has been erected prior to the date of the publication hereof;

(g) the sign shall be supported, by at least four iron brackets properly fixed to the building, any two of which shall be capable of carrying the whole mass of the sign, together with wind pressure, against which pressure the sign shall be satisfactorily braced and stayed;

- (h) upon receipt of a notification by the Council under the hand of the Building Control Officer that such sign is unsafe, it shall be removed forthwith by the applicant without any compensation by the Council whatsoever;
- (i) the owner of such sign shall sign a form declaring himself to accept, and be bound by, the above conditions.

## **9. PYLON SIGNS**

- (1) For the purposes of this Clause the word "pylon" includes any pylon, mast, tower or similar structure to which a sign is attached, supported, displayed or which is constructed as a sign.
- (2) Every pylon shall be independently supported and for that purpose 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.
- (3) 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 9m and a height of 12m. or such dimensions as the Council may require.
- (4) 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.
- (5) 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. An encroachment agreement shall be signed with the Council setting out the period and fee payable. The Council shall be indemnified against any claims.

## **10. SIGNS INDICATING THE DEVELOPMENT OF A TOWNSHIP OR PROPERTY**

- (1) No sign referring to the laying out or development of any land as a township or to the disposal of any erven in a township or a property development shall be erected prior to the land-use rights being promulgated.

- (2) No sign referring to the laying out or development of any land as a township or to the disposal of any erven in a township or a property development shall exceed 12m<sup>2</sup>, with a maximum erected height of 6m.
- (3) Any approval granted in respect of such a sign in terms of Clause 2, shall lapse after the expiry of one year after the date of such approval, unless an extension has been granted by the Council.
- (4) The sign must be located on the site of the proposed township or property development.
- (5) The Council may approve a larger sign or hoarding for a particular development after taking into consideration the size of the development which must be 5ha or larger on condition that approval shall lapse after the expiry of one year after the date of such approval.
- (6) All signs must be removed within three months of a development being completed or occupied.

#### **11. SIGNS FLAT ON BUILDINGS**

- (1) The total area of any sign placed flat on the front wall of a building facing a street shall not exceed 20m<sup>2</sup> for every 15m of building frontage to the street which such sign faces with a maximum area of 200m<sup>2</sup>.
- (2) The maximum projection of a sign referred to in sub-clause (1) over the footway or ground level shall be 75mm where such sign is less than 2,4m above the sidewalk or ground level immediately below such sign and 230mm where such sign is more than 2,4m above such footway or ground level
- (3) Signs placed flat on a wall of a building not being a wall contemplated in sub-clause (1), shall not exceed 20m<sup>2</sup> in total area, unless located in a commercial or industrial zone.
- (4) Notwithstanding the provisions of sub-clause (1) and (3), the Council may where it considers it desirable in the interests of the aesthetic appearance of the building/wall on which the sign is placed or of the neighbourhood of such building/wall, permit or require the dimensions of any such sign to be greater than those prescribed.

#### **12. REQUIREMENTS FOR SKY SIGNS**

- (1) 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.

- (2) In areas of maximum or partial control (as defined in the Councils Outdoor Advertising Policy and Code of Practice) every sky sign shall be set against a screen complying with the requirement of Clause 13.
- (3) No part of a sky sign shall protrude beyond, above or below the edge of the screen required in terms of sub-clause (2).
- (4) 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 recommended not to exceed the dimension specified opposite such number in column 2 of that table:

<b>Number of Storeys Below Sign</b>	<b>Maximum Vertical Dimension</b>
One or two storeys	1.5m
Three or four storeys	2.0m
Five or six storeys	3.0m
Seven or eight storeys	4.0m
Nine or more storeys	5.0m

- (5) A skysign with dimensions other than the above table will be considered by Council on its merits.

### 13. SCREENS FOR SKY SIGNS

Every screen for sky sign required in terms of Clause 12(2) shall comply with the following requirements:

- (a) (i) Subject to the provisions of subparagraph (ii), every screen shall be so arranged and constructed as to form a continuous enclosure effectively concealing the frame and the structural components of the sky sign and the screen from view and, if the Council so requires, from adjacent or neighbouring properties;
- (ii) if, in the opinion of the Council, the walls of any contiguous buildings are of such height and construction that they will effectively conceal and do not contain openings overlooking the frame and structural components referred to in subparagraph (i), the Council may, subject to any condition it deems expedient, relax the requirement of that subparagraph requiring the provision of a continuous enclosure;
- (b) unless the Council allows otherwise, no part of the screen shall protrude beyond the perimeter of the building on which it is constructed;

- (c) the gap between the bottom of the screen and that part of the building immediately below it shall not exceed 100mm;
- (d) the vertical dimension of every such screen shall not exceed one-and-one-half times the vertical dimension of the sky sign as contemplated in Clause 12(4): Provided that if the screen also encloses a lift motor room, tank or other structure on the roof of the building, the vertical dimension of the screen may be increased to the same height as such room, tank or structure;
- (d) if the material of which the screen is made has an open mesh or grid formation, the openings in such mesh or grid shall be uniform, the aggregate area of the openings shall not exceed 25% of the area of the screen and no dimension of any such opening shall exceed 100mm: Provided that the Council may allow the erection of a screen of louvre design if it will ensure the effective concealment as required in terms of paragraph (a)(i)

#### **14. SIGNS ON BUILDINGS USED FOR RESIDENTIAL PURPOSES**

- (1) A single sign containing the name only of any building used for residential purposes other than a dwelling house, and a sign consisting of a 600mm x 450mm brass or other metal plate displaying the name of the company owning or managing such building, its logo and telephone number, may be displayed.
- (2) A sign contemplated in sub-clause (1) shall:
  - (a) be fixed to or built into one or more walls of the building or a freestanding wall or boundary wall of the property;
  - (b) not be internally illuminated;
  - (c) be limited to one each of the signs referred to in that sub-clause per street frontage of the property concerned.
- (3) A sign consisting of a 600mm x 450mm metal plate or board indicating the name and profession or occupation of the occupant may be affixed to the boundary wall or fence, or the entrance door of a dwelling house or dwelling unit, or to a wall in the entrance hall of a building used for residential purposes.
- (4) Where a business or profession is conducted from a property in a predominantly residential area by consent of the Council, or in terms of an Amendment Scheme (rezoning) a sign not exceeding 2m<sup>2</sup>, advising the public as to the nature of the business or profession conducted on the premises, may be erected as an

element of a street-facing boundary wall. Any sign so erected shall form an aesthetically integral portion of the architecture of either the street-, facing boundary wall or a substantial architecture element designed to the satisfaction of the Council on the boundary of the property in question. The sign so erected shall not, in the opinion of the Council, detract from the residential character of the neighbourhood or have a negative impact on the market value of adjacent residential properties

### **15. SIGNS ON AWNINGS**

A sign containing only the name of a hotel, shop or restaurant may be displayed on an awning of approved material.

### **16. SUN-BLINDS**

- (1) All sun-blinds shall be so made and fixed as to be incapable of being lowered to within 2m of the footway or pavement.
- (2) Except at street intersections, sun-blinds shall only be placed parallel to the building line.
- (3) At street intersections, sun-blinds, both new and existing, shall be so placed that they shall not cause any interference with vehicular or pedestrian traffic, traffic lights, street name plates or other notices for the guidance of the public.

### **17. SIGNS NOT TO BE FIXED TO VERANDAH COLUMNS**

No sign of any description shall be fixed to street verandah posts or columns.

### **18. SIGNS REGARDED AS TENANCY AT WILL**

- (1) Any person erecting or possessing signs on or over any street, footway or pavement shall be regarded a tenant at will of the Council in respect of such signs and, if instructed by the Council to remove any or all of them, shall do so either within 14 days if the sign is fixed to a pole or other structure, or immediately if the sign is free standing and portable, without any compensation either for direct, indirect or consequential damages.

(2) The Council may remove such signs in the event of non-compliance with such instruction or if they are not in accordance with this By-Law, and the expenses of such removal shall be recoverable in the ordinary process of law from the owner of the building or from the person to whom the signs belong.

### 19. ADVERTISEMENTS ON BANNERS OR SIMILAR ITEMS

(1) Subject to the provisions of Clause 4(1) and sub-clause (2) no advertisement shall be displayed on any banner, streamer, flag, paper, paper mache, plastic sheet or other similar pliable material or on calico or other woven material, without the written permission of the Council, subject to such conditions as the Council may deem expedient.

(2) Permission in terms of sub-clause (1) shall only be granted for an advertisement relating to a function or event conducted for religious, educational, social welfare, animal welfare, sporting, civic or cultural purposes or to a function or event relating to a Local Government, Provincial or National election or referendum.

(3) Every application for permission in terms of sub-clause (1) shall be in terms of the tariff of charges as determined by Council in respect of each advertisement to which the application relates.

(4) The Council or its authorised agent may, without notice, remove and destroy any advertisement contemplated in sub-clause (1) which is displayed in contravention of this Clause.

(5) Every person to whom permission has been granted in terms of sub-clause (1) shall ensure that the following requirements are complied with:

(a) not more than five advertisements shall be displayed in respect of one function or event and with no more than one advertisement per street front;

(b) every advertisement shall be attached to or suspended between poles or other supports on the site on which the function or event is to be held;

(c) every advertisement shall be so attached so as not to interfere with, or constitute a danger to passing vehicular or pedestrian traffic;

(d) no advertisement shall be displayed for more than one week before the date of the function or event advertised nor shall any such advertisement be permitted to remain in position for more than three days after the conclusion of such function or event.

(6) No banner approved in terms of this Clause may be larger than 6m<sup>2</sup>.



## **20. ADVERTISEMENTS ON BALLOONS**

The Council may, for the purpose of considering an application for approval in terms of Clause 2 of a sign to be displayed on a tethered balloon for a period not exceeding four days and being airborne only during daylight hours, have regard to:

- (a) the period for which the balloon will so be used;
- (b) the size of the balloon;
- (c) the strength of the anchorage and of the anchoring cable;
- (d) the provision of a device by means of which the balloon will automatically so deflate as to sink slowly to the ground in the event of the failure or severance of the anchorage or anchoring cable;
- (e) the possibility of interference with traffic, pedestrian or vehicular;
- (f) any requirement or condition prescribe by the Department of Civil Aviation, including the maximum permissible height to which the balloon must be restricted; (g) the location of the balloon.

## **21. PAINTED ADVERTISEMENTS**

- (1) Subject to the provisions of sub-clause (2), no sign shall be painted directly on to any building, canopy, column, boundary wall, post or structure, other than on the external or internal surface of a window.
- (2) Subject to the approval of the Council in terms of Clause 2, the name of any person or company carrying on business in a building may be painted directly on any approved wall of such building.
- (3) Subject to the approval of the Council in terms of Clause 2 murals with advertising painted directly onto any approved surface may be considered on merit.

## **22. TEMPORARY SIGNS AND ADVERTISING**

- (1) Signs relating to the letting or selling of property, complying with the following requirements, may be displayed without the approval of the Council:
  - (a) any sign not exceeding 600mm x 450mm in size containing the words "for sale" in respect of any dwelling house or residential building and which in addition may display only the name, address and telephone number of the selling agent, and which is placed on or fixed to the building concerned, is attached parallel to a boundary fence of the erf on which the building is situated or is otherwise displayed

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within the boundaries of such erf. Such signs shall be limited to one sign per agent with a maximum of, three signs per erf;

(b) any one sign per street frontage not exceeding 600mm x 450mm in size, which contains only the word "Sold" in respect of any dwelling house, or residential building, and which:

(i) is displayed only after all signs referred to in paragraph (a) have been removed;

(ii) is placed on or fixed to the building concerned, or is attached to a boundary fence of the erf on which the building is situated or is otherwise displayed within the boundaries of such erf;

(c) any sign not exceeding 6m<sup>2</sup> fixed flat on the facade of a non-residential building which contains only the words "For Sale" or "To Let" and the name, address and telephone number for the selling or letting agent, or only the lettering for the word "Sold" with a maximum of one sign per building for a period not exceeding three months.

(d) any sign not exceeding 600mm x 450mm in size, displayed on a vacant residential erf and which displays only the words "For Sale" and the name, address and telephone number of the owner or his agent, or only the word "Sold". Such signs shall be limited to one sign per agency with a maximum of three agencies per erf for a maximum period of two months;

(e) Any sign not exceeding 6m<sup>2</sup> in size on a vacant non-residential erf and which displays only the words "For Sale" or "To Let" and the name, address and telephone number of the owner or his agent or only the word "Sold" and no other wording whatsoever with a only one sign per erf for a maximum period of three months.

(f) any directional sign displayed by the Automobile Association of Southern Africa or any other approved body advertising a particular event.

(2) Any sign, or banner not exceeding 4m<sup>2</sup> and not more than 3m above the ground, containing letters, figures, advertising emblems or devices, not exceeding 150mm in height, relating solely to an entertainment, meeting, auction or a sale to be held upon or in relation to a certain site, may be displayed upon such site: provided that such sign or banner shall not be displayed for more than one week before the function or event, the date of which must be displayed on the sign or banner, nor remain in position for more than three days after the conclusion of the function or event,

(3) Any selling or letting board(s) requiring the approval of the Council in terms of Clause 2(1) must conform to the design regulations currently in force with these Bylaws.

- (4) To consider at the Council's discretion temporary advertising on Council land or land vested in or controlled by the Council for a period not exceeding 30 days for special event signs.

### **23. SIGNS ON AND OVER STREETS**

- (1) Every person owning, displaying or causing to be displayed a sign which, or any part of which, overhangs, or is placed on any street shall, on being instructed by notice in writing by the Council to do so, remove it within twenty four hours from the date of such instruction or within such longer period specified in such notice without payment of any compensation.
- (2) In the event of non-compliance with an instruction in terms of sub-clause (1), the Council may itself remove the sign concerned and may recover the cost thereof from the person or persons, jointly and severally, to whom a notice in terms of sub-clause (1) was addressed and such persons shall not be entitled to any compensation.

### **24. BILLBOARDS**

- (1) Any billboard displayed may not:
- (a) be in conflict with applicable National Legislation, or local By -laws;
  - (b) be detrimental to the nature or the environment in which it is located by reason of abnormal size, intensity of illumination or design;
  - (c) be in its content objectionable, indecent or insensitive to any Clause of the public or to any religious or cultural groupings or the like;
  - (d) unreasonably obscure partially or wholly any sign previously erected and legally displayed;
  - (e) constitute a danger to any person or property.
  - (f) encroach the boundary line of the property on which it is erected.
- (2) Road intersections - a maximum of 2 single-sided advertising boards per intersection may be permitted.
- (3) Spacing of billboards shall be at the discretion of the Council having regard to safety, aesthetics, environmental, local area frameworks and other considerations.
- (4) Billboards in rural areas shall be erected in such a way as not to obstruct one another, be of even height wherever possible and evenly spaced.

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(5) Where, in the opinion of the Council, a sign alley has been created the spacing of billboards shall be at the discretion of the Council.

(6) Safety conditions:

Billboards shall be erected and serviced to comply with the following conditions:

(a) Signalised intersection -

(i) they shall not have as main colours, red, amber, green and the advertising sign to be well clear of the signal heads;

(ii) they shall not obscure or interfere with any road traffic light or sign;

(b) Illumination -

Illumination of billboards is permitted provided such illumination does not constitute a road safety hazard or cause undue disturbance.

(c) Erection and servicing on public roads -

The traffic flow should not be impeded during erection and servicing of a billboard on a public road unless prior permission has been obtained and the necessary precautions arranged.

(d) Prohibited areas on motorways -

Billboards may be permitted within specified distances of on and off-ramps of motorways and overhead traffic directional signs where a curve in the road renders the billboard not to interfere with a clear and undistracted view of the directional traffic sign.

(7) Site identification -

Sign owner's name or logo must be clearly displayed.

(8) Maintenance -

Conduct regular site inspections to ensure the good condition of boards. Traffic flow should not be impeded during the servicing of a billboard on a public road unless prior permission has been obtained and the necessary safety precautions arranged.

(9) Size per copy - At the Council's discretion to a maximum of:

Areas of partial control - 40m<sup>2</sup>

Areas of minimum control - 81m<sup>2</sup>

(Areas of control defined in the Councils: Outdoor Advertising Policy and Code of Practice and the SAMOAC guideline document)

(10) An application fee as determined by Council is payable.

(11) The height of a billboard shall not exceed 12m unless otherwise approved by Council.

## **25. TRANSIT SIGNS**

- (1) Transit advertising signs shall only, be permitted to be displayed if mobile at all times and comply with all requirements of Road Traffic legislation.
- (2) The parking of a transit advertising sign on Council or private property for the purposes of third-party advertising is prohibited.
- (3) Transit advertising signs parked on private property for the purpose of storage shall be positioned in such a manner as not to be visible from a street or public place.
- (4) Notwithstanding the provisions of sub-clauses (1), (2) and (3) or otherwise in contravention of this ByLaw, the Council or its authorised agent may, without prior notice, carry out the removal and impoundment of such transit advertising sign.
- (5) A transit advertising sign impounded by the Council may be released in terms of Clause 33 (5)(a) within a period of 3 months of notification or such sign shall be disposed of by Council to defray any fines or removal costs involved.
- (6) A transit advertising sign impounded by the Council shall only be released after the removal cost and fine are settled in full and a copy of the current license registration papers have been submitted for verification.

## **26. POSTERS**

- (1) (a) No person shall in, or in view of, any street display or cause or allow it to be displayed any poster unless he has first obtained the written permission of the Council;
- (b) No permission shall be given for the display of any poster concerning any commercial undertaking or activity or concerning any activity which, in the opinion of the Council, is primarily or mainly of a commercial character.
- (2) Every application for permission required in terms of sub-clause (1) shall be accompanied by an application fee or a deposit as determined by Council, and written details of the townships and streets in which the posters are to be displayed and all the posters to which the application relates: Provided that for National, Provincial or Municipal elections only one poster need be submitted and an application fee paid by each candidate as determined by Council Provided that for National, Provincial or Municipal

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referendums only one poster need be submitted and an application fee paid by each registered political party as determined by Council

(a) every poster for which permission is granted in terms of sub-clause (1) shall be provided with a Council sticker and only posters with the Municipality stickers affixed or approved Municipality's markings shall be displayed,

(b) the Council shall be entitled to retain one such poster for identification purposes.

(3) Any person who displays or causes or allows to be displayed in or in view of a street, a poster, for which permission has been granted in terms of sub-clause (1), shall ensure that the following requirements are complied with

(a) no poster shall be so displayed that any part of it is lower than 2.1m or higher than 3m above the sidewalk or ground level immediately below it;

(b) no poster displayed by any person shall be indecent, or suggestive of indecency, prejudicial to public morals or reasonably objectionable;

(c) no poster shall be displayed on motorways including on and off-ramps;

(d) every poster other than a parliamentary, provincial or municipal election or referendum poster shall be displayed in a permanent frame or other approved backing, of a design and in a predetermined location approved by the Council. The maximum size for frames shall not exceed :

Advertising posters 900mm high x 600mm wide; (A1 size)

Press posters 600mm high x 450mm wide. (A2 size)

(e) every parliamentary, provincial or municipal election or referendum poster shall be attached to a board made of wood, hardboard, correx or other approved weatherproof material, in such a manner that it will not become wholly or partially dislodged by wind or rain, and neither the board nor poster shall exceed 900mm high x 600mm wide or be less than 600mm high x 450mm wide, and secured only to an electric light standard erected by the Council or the State in a street or public place: Provided that such board is secured to such light standard by means of stout string or plastic ties only (no securing material with a metal content is permitted);

(f) the 'frame' referred to in paragraph (d) shall not be placed on or against or attached to or otherwise supported by any transformer box, telegraph pole, tree, road traffic sign or other sign or object with the exception of an electric light standard erected by the Council or the State in a street or public place, provided such frame is secured to such light standard in such a manner (to the approval of the

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Council) that it will not become or wholly or partially dislodged by wind or an other means, and positioned in such a manner that it does not obscure or interfere with the electrical inspection chamber or pole identification number or impair the safety of motorists or pedestrians, maximum of 2 frames per pole. No frame shall be erected within 10m of a traffic signal unless the prior approval of the Council has been obtained;

- (g) no poster relating to a meeting, function or event, other than a National, Provincial or Municipal election or referendum shall be displayed for longer than ten days before the date on which such meeting, function or event begins or longer than four days after the date on which it ends;
- (h) no poster relating to a parliamentary, provincial or municipal election or to a specific candidate in such election or a poster relating to a referendum shall be displayed for longer than the period extending from the beginning of either the date, of nomination or the date of proclamation in the Government Gazette declaring that a referendum is to be held, as the case may be, to the end of the tenth day after the date of such election or referendum: Provided that posters not relating to a specific candidate may also be displayed for a period no longer than that extending from a date fourteen days prior to either nomination day or the date of proclamation in the Government Gazette declaring a referendum is to be held, as the case may be, to the end of the fifth day after the date of such election;
- (i) subject to the discretion of the Council, not more than 2000 posters shall be displayed at any one time in relation to any meeting, function or event, other than a National, Provincial or Municipal election or referendum or a meeting relating to an election or referendum;
- (j) in respect of each candidate not more than 1000 posters or other advertisements shall be exhibited at any one time in any municipal ward or as otherwise directed by Council; in respect of a referendum not more than 5000 posters or other advertisements per registered political party shall be so exhibited in the municipal area of the Municipality or otherwise directed by Council.
- (k) the details of the event, the commencement and final date of the event and the venue with address where it is to be held must appear on the posters in letters not less than 50mm in height and 10mm in thickness, with all other information pertinent to the event in letters not less than 30mm in height and 5mm in thickness;
- (l) the commercial content of the poster may not exceed 20% of the area of the poster nor may such commercial lettering be larger than the main lettering in the remainder of the poster;
- (m) the posters may not have a display period of more than 28 consecutive days for any event advertised.

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- (n) the display of posters on any bridge or in sensitive areas identified by the Council, is prohibited.
- (o) the display of auction posters shall only be within the area of jurisdiction of the Municipality , duly authorised by the Sheriff of the Court, to a maximum of 40. The Case Number or Masters Reference Number must be displayed on the poster. A writ is to be produced on submission.
- (p) the display of political posters not directly for the purposes of a National, Provincial or Municipal election or referendum, shall be regarded as advertising.
- (4) The provisions of sub-clause (2) shall not apply in respect of a poster relating to an election, or a referendum, which:-
  - (a) is placed entirely inside private premises;
  - (b) is displayed in or on a motor vehicle;
  - (c) is displayed at the committee room clearly marked as such, of a candidate in an election; or (d) fixed to an advertising hoarding for which approval has been granted in terms of Clause 2.
- (5) Any poster which is displayed without permission or in contravention of this Clause may without notice be removed and destroyed by the Council or persons appointed by the Council. Any costs incurred by the Council in the removal will be borne by the person who displayed the poster or caused, or allowed it to be displayed.

### **27. FIXING OF SIGNS AND HOARDINGS**

- (1) All signs and hoardings shall be properly constructed of the requisite strength and shall, be securely fixed to the satisfaction of the Council.
- (2) The person by whom such signs and hoardings are erected and the owner of the fixture on which or to which they are attached shall assume all liability and responsibility in connection therewith, including maintenance, and shall undertake at least one annual inspection thereof with a view to satisfying themselves as to the safety thereof.
- (3) Every sign or hoarding shall be repainted and cleaned regularly in order to prevent them from becoming unsightly.
- (4) The Council may require certification by a person as defined in Clause 2(5) that the installation is structurally safe.



## **28. DESIGN REQUIREMENTS FOR SIGNS**

Regulations for Clause 2(12)

### **(1) Definitions**

"An item of information" on a sign means a syllable, an initial, a symbol or logo, an abbreviation, a group of numbers (e.g. a telephone number), a broken plane (i.e. more than one geometric shape or background area) and a graphic feature.

### **(2) Design requirements**

(a) No information sign may contain more than 10 items of information: Provided that in the case of establishments with long names, such names should not be counted as more than 4 items of information provided that they appear only once per street frontage and the lettering is of the same size, style, colour and typeface.

(b) Lettering 70mm in height or less will not be counted as an item of information.

(c) Architectural letters less than 500mm in height and carved into the material of a building or attached securely to it are not counted as items of information: Provided that:

(i) the letters are not specially illuminated;

(ii) the letters are not constructed of a shiny material;

(iii) the colour of the letters does not contrast sharply with that of the building's surface; (iv) the letters do not exceed 50mm in thickness.

### **(3) Sign formats**

Any sign requiring approval in terms of Clause 22 and which is required to conform to Clause 22(3) may be exempt from submitting further individual applications in instances where a prototype sign format was approved by the Council.

## **29. MATERIALS FOR ADVERTISING SIGNS, HOARDINGS, SCREENS AND SUPPORTING STRUCTURES**

(1) All iron or steel used in any advertising sign, hoarding or screen referred to in Clause 13 or as means of support for such sign, hoarding or screen shall be painted or otherwise effectively protected against corrosion.

(2) No water soluble adhesive tape or other similar material shall be used to display or secure any advertising sign elsewhere than on a hoarding or within a fixture referred to in Clause 4 (1) (d).

**30. POWER CABLES AND CONDUITS TO SIGNS**

- (1) Every power cable and conduit containing electrical conductors for the operation of a sign shall be so positioned and fixed that it is not unsightly.
- (2) No advertising sign or hoarding shall be connected to any electricity supply without the prior written permission of the relevant electricity supply authority. Such proof of permission shall be submitted if requested.

**31. ERECTION AND MAINTENANCE OF ADVERTISING SIGNS AND HOARDINGS**

- (1) If, in the opinion of the Council, any advertising sign or hoarding is in a dangerous or unsafe condition or has been allowed to fall into a state of disrepair or interferes with the functioning of any road traffic sign, the Council may serve a notice on an owner requiring him at his own cost, to remove the sign or hoarding or do other work specified in the notice within a period so specified.
- (2) The Council may, if in its opinion an emergency exists, instead of serving notice in terms of subclause (1) or if such notice has not been complied with within the period specified therein, itself carry out the removal of a sign or advertising hoarding or do other work which it may deem necessary and may recover the cost thereof from the owner referred to in sub-clause (1).
- (3) The Council shall, should an approved advertising hoarding not display an advertisement or message for a period more than 12 months or as otherwise agreed to by Council, serve a notice on the owner requiring him, at his own cost, to remove the hoarding or to display an advertisement or message within a period so specified.

**32. NATIONAL BUILDINGS REGULATIONS**

Should any conflict exist between this By-Law and the National Building Regulations and Building Standards Act 103 of 1977, the Act shall prevail.

**33. CHARGES**

- (1) Every person who applies to the Council for its approval or permission shall on making application pay to the Council the charge determined therefore and no application shall be considered until such charge has been paid.
- (2) The fines and penalties for offences in terms of Clause 36 are set out below:

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- (a) upon conviction of an offence, the guilty party shall be liable to a fine not exceeding R15,000.00 or, in default of payments, to imprisonment for a period not exceeding 12 months;
- (b) in the case of a continuing offence, the guilty party shall be liable to a further fine not exceeding R1000.00 for every day during the continuance of such offence;
- (3) The cost involved for the removal of unauthorised posters by Council, which cost shall be recovered from the owner of such unauthorized poster(s), will be:
  - (i) per poster (unpasted) R 100,00
  - (ii) per poster (pasted) R 500,00
  - (iii) per poster (flyposter) R1 000,00
  - (iii) Saturdays relevant charge plus 50%
  - (iv) Sundays relevant charge plus 100%
- (4) Spot fines to a maximum of R5000.00 may be served by duly authorised officials of the Council on offenders for any contravention or failure to comply with the terms of this By-Law.
- (5) Any signs or advertising boards which have been removed and impounded but not destroyed by the Council as a result of them not complying with these Bylaws may be released to the original owner at the following rates:
  - (a) transit advertising signs may be released at the cost of removal with a minimum fee of R500.00 plus R100.00 per square metre of advertising display or part thereof;
  - (b) for all other signs the charge will be the cost of removal with a minimum of R500.00 plus R50.00 per square metre of advertising display or part thereof;
  - (c) signs removed and not released within 3 months shall be disposed of by the Council.

### **34. DAMAGE TO COUNCIL PROPERTY**

- (1) No person shall intentionally or negligently, in the course of erecting or removing any sign, advertising hoarding, poster or banner cause damage to any tree, electric standard or service or other Council installation or property.
- (2) The costs for any repairs necessary will be for the account of persons in terms of Clause 38.

### 35. ENTRY AND INSPECTION

The Council shall be entitled, through its duly authorised officers, to enter into and upon any premises, at a reasonable time for the purpose of carrying out any inspection necessary for the proper administration and enforcement of the provisions of this By-Law.

### 36. OFFENCES

Any person who -

- (a) contravenes or fails to comply with any provision of this By-Law
- (b) contravenes or fails to comply with any requirement set out in a notice issued and served to him in terms of this By-Law;
- (c) contravenes or fails to comply with any condition imposed in terms of this By-Law;
- (d) knowingly makes a false statement in respect of any application in terms of this By-Law; shall be guilty of an offence and shall on conviction be liable to a fine or imprisonment as set out in Clause 33(2)(a), and in the case of a continuing offence to a fine, as set out in Clause 33(2)(b), for every day during the continuation of such offence after a written notice has been issued by the Council requiring discontinuance of such offence, and for a second or subsequent offence he shall be liable on conviction to a fine or imprisonment as set out in Clause 33(2)(c).

### 37. PRESUMPTIONS

If any person is charged with an offence referred to in Clause 36 relating to any design, advertising hoarding or poster:

- (a) it shall be deemed that he either displayed such advertising sign, hoarding or poster or caused or allowed it to be displayed;
- (b) the owner of any land or building on which any advertising sign, hoarding or poster was displayed, shall be deemed to having displayed such advertising sign, hoarding or poster or caused or allowed it to be displayed;
- (c) any person who was either alone or jointly, with any other person responsible for organizing, or was in control of, any meeting, function or event to which a sign or poster relates, shall be deemed to have displayed every sign or poster displayed in connection with such meeting, function or event or to have caused or allowed it to be displayed;
- (d) any person whose name appears on an advertising sign,

hoarding or poster shall be deemed to, have displayed such advertising sign, hoarding or poster or to have caused or allowed it to be displayed unless the contrary is proved.

### **38. REMOVAL OF ADVERTISING SIGNS OR HOARDINGS**

- (1) If any advertising sign or hoarding is displayed so that in the opinion of the Council it is detrimental to the environment or to the amenities of the neighbourhood, or otherwise in contravention of these Bylaws, the Council may request or serve a notice on the owner of the advertising sign or hoarding to remove such advertising sign or hoarding or carry out such alteration thereto or do such work as may be specified in such request or notice within a time specified,
- (2) If a person fails to comply with a confirmed request or a notice referred to in sub-clause (1), the Council or its authorised agent may remove such an advertising sign or hoarding.
- (3) The Council shall in removing a transit sign, advertising sign or hoarding contemplated in sub-clause (1) not be required to compensate any person in respect of such advertising sign or hoarding, in any way of loss or damage resulting from its removal.
- (4) Any costs incurred by the Council in removing a transit sign, advertising sign or hoarding, in terms of sub-clause (2) or in doing alterations or other works in terms of this Clause may be recovered from the person on whom the notice contemplated in sub-clause (1) was served, or if a deposit has been paid in respect of such advertising sign or the costs may be deducted from the deposit
- (5) Notwithstanding the provisions of sub-clauses (1), (2), (3) and (4) if an advertising sign or hoarding:
  - (a) constitutes a danger to life or property;
  - (b) is obscene;
  - (c) is in contravention of this By-Law and is erected on, attached to or displayed on any property of, or under the control of the Council; the Council may, without serving any notice, remove any such advertising sign or hoarding or cause it to be removed.

### **39. SERVING OF NOTICES**

Where any notice or other document is required by these By laws to be served on any person, it shall be deemed to have been properly served if served personally on him or any member of his household apparently over the age of sixteen years at his place of residence or on any person employed by him at his place of business, or if sent by registered post to such person's residential or business address as it appears

in the records of the Council, or if such person is a company or closed corporation or a trust, if served on any person employed by that company, closed corporation or a trust, if served on any person employed by that company, closed corporation or trust at its registered office or sent by registered post to such office. Any verbal request for action to be taken in terms of this By-Law shall be confirmed in writing.

#### **40. PUBLIC NOTICE OF APPLICATION**

(1) The applicant shall cause a notice containing the details of his application as prescribed in Schedule 1 to this By-Law, to be published once a week for two consecutive weeks in an English language - and one other official language newspaper circulating in the area of the erf or site to which the application relates.

(2) The applicant shall post a notice in English and one other official language in such form as prescribed in Schedule 2 to this By-Law in a conspicuous place and within 3 metres from the proposed siting of the sign/hoarding or in such other place, form and manner as may be determined by the Council. Such notice shall be maintained by the applicant for a period of at least 14 days from the date of the first publication of the notice contemplated in sub-clause (1) above.

(3) The notice referred to in sub-clause (1) and (2) shall, in addition to containing details as prescribed in the relevant schedules, state that the application documents relating to the application will be open for inspection, from the date of the first publication as contemplated in sub-clause (1) above and at specified times and a specified place at the Council's offices.

(4) The notice referred to in sub-clauses (1) and (2) shall further state that any objection in regard to the application shall be submitted in writing both to the Council and the applicant under cover of registered or certified post or by hand within a period of 14 days from the date of the publication of the first notice contemplated in sub-clause (1). The applicant shall within 14 days from receipt of the objection forward his reply thereto to the local authority.

(5) The applicant shall submit proof to the satisfaction of the local authority that he has complied with the provisions of sub-clause (1) - (4).

(6) All advertising signs and hoardings shall be classified by the Council and above notice shall apply to those classes of advertising signs and hoardings as may be determined by the Head: Outdoor Advertising.

#### **41. HEARING**

- (1) Where objections have been lodged in respect of the application, the Council shall, hear the objections or representations.
- (2) Where such objections lodged are to be heard by Council, the council shall determine a day, time and place for the hearing.
- (3) Not less than 14 days prior to the day determined in terms of sub-clause (2), the Council shall notify the applicant and every objector of the day, time and place so determined.
- (4) At the hearing the Council shall adopt its own procedure in compliance with the rules of natural justice.

#### **42. APPEALS**

- (1) An applicant or objector who is aggrieved by the Council's decision may appeal against that decision and shall give written notice of the appeal including the grounds of appeal to the Municipal Manager within 21 days of the date of the notification of the decision in terms of Clause 2(8).
- (2) A committee of Councillors who were not involved in the original decision will be the appeal authority.
- (3) Such appeal authority must commence with such an appeal within six weeks from date of the Notice of Appeal and decide the appeal within a reasonable period.

#### **DETERMINATION OF CHARGES FOR ADVERTISING SIGNS AND HOARDINGS**

In terms of Section 11(3) of the Municipal Systems Act, 32 of 2000 read with Section 10(7)(7) of the Local Government Transition Act, 209 of 1993. It is hereby notified that the Municipality has amended its Determination of Charges for Advertising Signs and Hoardings with effect from 1 June 2005 as set forth hereunder.

#### **TARIFF OF CHARGES: ADVERTISING SIGNS AND HOARDINGS**

- (a) In terms of Section 2(1) (i.e. applications or signs set out in Sections 6 to 16 and 20 to 23 inclusive) the approval fee is R50.00 per square metre of advertising display or part thereof, with a minimum fee of R500.00 per application.
- (b) In terms of Section 19(3) (i.e. advertisements on banners or similar items) an application fee of R200.00 is required.

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(c) In terms of Section 26(2) (i.e. posters) -

(i) an application fee of R1.00 per poster be paid to permit the display of posters of non-profit bodies only. These posters have to display the fundraising numbers of the bodies or a formal constitution has to be submitted to Council. No commercial advertising and logos of sponsors will appear on posters; (ii) an application fee of R5.00 per poster with a minimum fee of R200.00 be paid to permit the display of posters for religious, sporting, social and cultural events, with commercial advertising and logos of sponsors. The commercial advertising shall not exceed 20% of the area of the poster, not is any lettering to be larger than any other lettering:

(iii) an application fee of R500.00 per candidate (fully refundable on removal) for a National, Provincial or Municipal election;

(iv) an application fee of R5 000.00 per registered political party. (fully refundable on removal) for a Parliamentary, Provincial or Municipal referendum; and

(d) In terms of Section 24 (Billboards, Spectaculars or any sign in excess of 24sq.m as defined in Section 1) an application fee of R500.00 is required for consideration of approval with a further amount of R100.00 per square metre of advertising display payable for a five year approval by council irrespective of whether the sign is erected on private or Council land.