STANDARD DRAFT ADVERTISING BY-LAW

LETSEMENG LOCAL MUNICIPALITY

07 GROOTTREK STREET

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[NO. 170 OF 2011]

NOTICE IN TERMS OF SECTION 14(2)(a)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: STANDARD ADVERTISING BY-LAW

In terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), make standard by-laws as set out in the Schedule.

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1. DEFINITIONS

In these By-laws, 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.
"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" has 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 there under, covering an area in excess of 4.6m^2 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.

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"Charge" means the appropriate monetary charge determined by the Council.
"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, 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.
"Controlling Authority" means a controlling authority as contemplated in the Advertising On Roads And Ribbon Development Act, 1940 (Act No. 21 of 1940).
"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 …… Local 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 these By-laws.
"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" includes the erection of any structure if such structure is intended solely or primarily for the support of a sign.
"Display period" means the exposure time during which the individual advertising message is on display.
"Election" means either National, Provincial or Local Government elections or 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.
"Fly poster" 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 does not include a parapet wall, balustrade or railing of a veranda or a balcony.
"Municipality" means the……Local Municipality established in terms of Section 12 of the Municipal Structures Act,1998 (Act No. 117 of 1998), and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee; **"Movable temporary sign"** means a sign

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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 National Road Traffic Act, 1996 (Act No. 93 of 1996), the detailed dimensions and applications of which are controlled by the regulations to this Act and the South African Road Traffic Signs Manual.
"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 obstructs 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 must 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.
"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.
"Veranda" 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.

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

2. APPLICATION FOR APPROVAL FOR ADVERTISING SIGNS AND HOARDINGS

(1) Save for the provisions of the National Road Traffic Act, 1996 (Act 93 of 1996), the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940) and the South African Manual for Outdoor Advertising Control (SAMOAC), in which case an application for approval must be submitted to the relevant controlling authority, no person must 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 section do not apply to signs contemplated in section 4.

(2) No sign erected and displayed with the approval of the Council must in any way be altered, moved, re-erected nor must 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 sub section (1).

(3) (a) An application in terms of sub-section (1), accompanied by the required application fee, as determined by Council and subject to section 33, must 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 or her agent authorised in writing by such owner and must be accompanied by:

(i) a locality plan indicating the anticipated position of the sign within the area of the Local Municipality. The Council may require the locality for signs in excess of 10 square metres to be indicated and described by an accurate Global Positioning System (G.P.S.) reading or an acceptable alternative;

(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;

(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 must 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) must show all details of the sign and must 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.

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(5) The Council may require the submission of additional drawings, calculations and other information and a certificate by a professional as defined in section 1 of the Engineering Profession Act, 2000 (Act No. 46 of 2000), in each case giving details to the Council's satisfaction, to enable it to establish the adequacy of the proposed means of securing, fixing or supporting any advertising sign, hoarding or screen referred to in section 13, to resist all loads and forces to which the advertising sign, hoarding or screen may be exposed and the sufficiency of the margin of safety against failure, in compliance with the provisions of Regulation Bl of the National Building Regulations GN R 2378 published under Government Gazette No. 12780 of 12 October 1990.

(6) In considering an application submitted in terms of sub-section (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 neighbourhood 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;

(vi) it will in any way impair the visibility of any road traffic sign or affect the safety of motorists or pedestrians,

(c) 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.

(d) The number of signs displayed or to be displayed on the erf concerned and its legibility in the circumstances in which it is seen;

(7) The Council may refuse any application submitted in terms of sub-section (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 must without delay and in writing notify the applicant of its decision taken by virtue of sub-section (7).

(9) Every application, plan, drawing and other document submitted in terms of this Section must 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-section (7), must 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-section; the Council must be notified once any approved advertising sign or hoarding has been erected.

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

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

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

3. WITHDRAWALS OR AMENDMENT OF COUNCIL'S APPROVAL

(1) The Council may, at any time, withdraw an approval granted in terms of section 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 threemonth period from the date of the request, the application is regarded as withdrawn.

4. EXEMPT SIGNS

(1) The following signs are exempted from the provisions of section 2 but must comply with all other provisions of these By-laws save for signs contemplated in (a) and (b) which need not so comply:

(a) any sign displayed in an arcade;

(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 may 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;

(f) any sign, other than a sign provided for in paragraph (e), not exceeding 12m^2, 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

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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 veranda roof;

(h) a sign consisting of a 600mm x 450mm metal plate or board permitted in terms of Section 14;

(i) any flag hoisted on a suitable flag pole which displays only a company name and motif. A maximum of 5 flagpoles of 7m in height is permitted unless specific permission has been applied for as contemplated in terms of Section 2 for more than 5 flagpoles;

(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 may be permitted and such sign must 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^2, 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-section (1)(g) is displayed, must indemnify the Council against any consequences

(2) flowing from the erection, display or mere presence of the sign.

(3) Any sign which does not comply with the provisions of these By-laws and which was lawfully displayed on the day immediately preceding the date of commencement of these By-laws is exempted from the requirements of these By-laws if the sign in the opinion of the Council is properly maintained and is not altered, moved or re -erected as contemplated in section 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 these By-laws.

(5) Any sign erected as a specific requirement in terms of any By-law, Provincial Ordinance or Act of Parliament is exempt from these By-laws.

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

5. PROHIBITED SIGNS

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

(1) Any sign painted on the roof of a building or painted on, attached to, or fixed between the columns or posts of a veranda.

(2) (a) any sign which projects above or below any fascia, bearer, beam or balustrade of a street veranda or balcony; (b) any luminous or illuminated sign which is fixed to any fascia, bearer, beam or balustrade of any splayed or rounded corner of a street veranda or balcony.

(3) Any sign suspended across a street unless otherwise approved by Council.

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(4) Any sign on calico, paper mache, plastic, woven or similar material or of any kind whatsoever, except those provided for in terms of Section 20 or unless consisting of flexface within an approved advertising sign.
(5) Any swinging sign, which is a sign not rigidly and permanently fixed.
(6) Any sign which may either obscure a road traffic sign, be mistaken for with or interfere with the functioning of a road traffic sign.
(7) Any sign which may obscure traffic by restricting motorists' vision and lines of sight thus endangering motorists' safety.
(8) Any sign which is indecent or suggestive of indecency, prejudicial to public morals or is reasonably objectionable.
(9) 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.
(10) 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.
(11) 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.
(12) Any movable temporary or permanent sign other than those specifically provided for in these By-laws.
(13) Any sign referring to a price or change in price of merchandise except in a shop window, or on the article itself.
(14) Any advertisement or sign other than an exempted sign, for which neither a permit nor approval has been obtained.
(15) Any poster otherwise than on a hoarding legally erected for the purpose of accommodating such poster.
(16) Any sign or signs, the total area of which exceeds 30m^2, painted or fixed on a wall of a building not being a front wall of such building, unless approved by Council.
(17) Any sign painted on any fence or boundary wall, not being an approved sign or hoarding.
(18) Any sign which does not comply with the requirements of or which do these By- laws not permit.
(19) Any sign, which may obstruct pedestrian or vehicular traffic.
(20) Any form of flypostering on private or Council, property or assets.
(21) Any transit advertising sign that is parked irrespective of whether it is attached to a vehicle or not.
(22) Any poster or sign attached to a tree.
(23) Any poster attached or pasted to a bridge.
(24) Any temporary sign for commercial or third-party advertising erected on Council land or land vested in the Council, unless by prior signed encroachment agreement or contract with the Council.
(25) Any sign attached to a bridge or any other Council asset, unless by prior signed agreement or contract with the Council.
(26) Any third party advertising sign on any property zoned "Residential" in terms of the relevant Town Planning Scheme whether secondary rights or not have been granted by Council and which are exercised on the erf.
(27) Any sign or poster attached to a Road Traffic Sign.

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6. SIGNS SUSPENDED UNDER VERANDAHS OR CANOPIES

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

(1) Unless the Council otherwise permits, having regard to the design of the veranda or canopy and its associated building and to the position of the building in relation to the street boundary of the erf, the sign must be fixed with its faces at right angles to such boundary.

(2) No part of the sign may project beyond the outer edge of the veranda or canopy from which it is suspended.

(3) No part of the sign may 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 l m below the canopy or veranda from which it is suspended nor may any sign exceed lm in depth.

(4) Unless the Council in writing otherwise permits, the bottom edge of the sign when suspended must be horizontal and the supports by means of which the sign is suspended, must 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 veranda over a street must be set parallel to the building line.

(2) Such signs may not exceed 600mm in depth and must be fixed immediately above the eaves of the veranda roof in such manner as not to project beyond the rear of the roof gutter or must be fixed against but not above or below the veranda 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 veranda over a street and which displays only the features or programme of an entertainment to be given in such public building must 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 and must not exceed 1.2m in height.

(b) nothing in this section contained may be taken to prohibit the painting of signs not exceed 600mm in depth on beams over veranda columns, or on parapets of verandas;

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

8. PROJECTING SIGNS

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

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

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

(a) the owner of the building or the person for whom the sign is being erected must make application for and assume the responsibility in connection with such sign, including maintenance, an annual inspection to satisfy himself or herself 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;

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(b) the design thereof must be to the satisfaction of the Council, and it must comply in all respects with these By-laws;
(c) such sign must be fixed at right angles to the street and the front of the building upon which it is erected;
(d) such sign must be constructed of metal framing and covered with metal sheeting and may not exceed 300mm in depth from face to face;
(e) such sign may 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 may 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 does not apply to any sign which has been erected prior to the date of the publication of these by-laws;
(g) the sign must be supported, by at least four iron brackets properly fixed to the building, any two of which must be capable of carrying the whole mass of the sign, together with wind pressure, against which pressure the sign must 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 must be removed forthwith by the applicant without any compensation by the Council whatsoever;
(i) the owner of such sign must sign a form declaring himself or herself to accept, and be bound by the above conditions.

9. PYLON SIGNS

(1) For the purposes of this section 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 must 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 must 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 may 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 must be signed with the Council setting out the period and fee payable. The Council is 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 must be erected prior to the land-use rights being promulgated.

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(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 may exceed 12m squared, with a maximum erected height of 6m.

(3) Any approval granted in respect of such a sign in terms of section 2, lapses after the expiry of one year after the date of such approval, unless the Council has granted an extension.

(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 lapses 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 may not exceed $20m^2$ for every 15m of building frontage to the street which such sign faces with a maximum area of $200m^2$.

(2) The maximum projection of a sign referred to in sub-section (1) over the footway or ground level must 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-section (1), may not exceed $20m^2$ in total area, unless located in a commercial or industrial zone.

(4) Notwithstanding the provisions of sub-section (1) and (3), the Council may where it considers it desirable in the interests of the aesthetic appearance of the building or wall on which the sign is placed or of the neighbourhood of such building or 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, for the purposes of, this section, is deemed to be one sign.

(2) In areas of maximum or partial control, every sky sign must be set against a screen complying with the requirement of section 13.

(3) No part of a sky sign may protrude beyond, above or below the edge of the screen required in terms of sub-section (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:

Number of Maximum Storeys Below Sign Vertical Dimension

Column 1	Column 2
One or two storeys	1.5m
Three or four storeys	2.0m
Five or six storeys	3.0m

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Seven or eight storeys	4.0m
Nine or more storeys	5.0m

(5) A sky sign 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 section 12(2) must comply with the following requirements:

(a) (i) Subject to the provisions of subparagraph (ii), every screen must 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 may 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 may not exceed 100mm;

(d) the vertical dimension of every such screen may not exceed one-and-one-half times the vertical dimension of the sky sign as contemplated in Section 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;

(e) if the material of which the screen is made has an open mesh or grid formation, the openings in such mesh or grid must be uniform, the aggregate area of the openings may not exceed 25% of the area of the screen and no dimension of any such opening may 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-section (1) must:

(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;

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(c) be limited to one each of the signs referred to in that sub-section 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 through rezoning a sign not exceeding 2 square meter, 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 must 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 may 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 sunblinds must 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, sunblinds may only be placed parallel to the building line.

(3) At street intersections, sunblinds, both new and existing, must be so placed that they will not cause any interference with vehicular or pedestrian traffic, traffic lights, street nameplates or other notices for the guidance of the public.

17. SIGNS NOT TO BE FIXED TO VERANDAH COLUMNS

No sign of any description may be fixed to street veranda 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 must 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, may 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 these By-laws, and the expenses of such removal is recoverable in the ordinary process of law from the owner of the building or from the person to whom the signs belong.

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19. ADVERTISEMENTS ON BANNERS OR SIMILAR ITEMS

(1) Subject to the provisions of Section 4(1) and sub-section (2) no advertisement may 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-section (1) may 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-section (1) must 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-section (1), which is displayed in contravention of this Section.

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

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

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

(d) no advertisement may be displayed for more than one week before the date of the function or event advertised nor may 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 section may be larger than 6 square meter.

20. ADVERTISEMENTS ON BALLOONS

The Council may, for the purpose of considering an application for approval in terms of Section 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 of deflate as to sink slowly to the ground in the event of the failure or severance the anchorage or anchoring cable;
(e) the possibility of interference with traffic, pedestrian or vehicles;
(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.

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21. PAINTED ADVERTISEMENTS

(1) Subject to the provisions of sub-section (2), no sign may 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 section 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 section 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 within the boundaries of such erf. Such signs must 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^2 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 must 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^2 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^2 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

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displayed upon such site: provided that such sign or banner may 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 section 2(1) must conform to these Bylaws.

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 must, 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-section (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-section (1) was addressed and such persons must 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 section 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) At road intersections, a maximum of 2 single-sided advertising boards per intersection may be permitted.

(3) Spacing of billboards must be at the discretion of the Council having regard to safety, aesthetics, environmental, local area frameworks and other considerations.

(4) Billboards in rural areas must be erected in such a way as not to obstruct one another, be of even height wherever possible and evenly spaced.

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

(6) Billboards must be erected and serviced to comply with the following conditions:
- (a) Signalised intersection -
  - (i) they may not have as main colours, red, amber, green and the advertising sign to be well clear of the signal heads;
  - (ii) they may 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 -

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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.

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

(8) The sign owner must 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) At the Council's discretion size per copy must be a maximum of:

(a) Areas of partial control - 40m^2

(b) Areas of minimum control - 81m^2

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

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

25. TRANSIT SIGNS

(1) Transit advertising signs may 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 must be positioned in such a manner as not to be visible from a street or public place.

(4) Notwithstanding the provisions of sub-sections (1), (2) and (3) or otherwise in contravention of these By-laws, 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 section 33 (5)(a) within a period of 3 months of notification or such sign must be disposed of by Council to defray any fines or removal costs involved.

(6) A transit advertising sign impounded by the Council may 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 may in, or in view of, any street display or cause or allow it to be displayed any poster unless he or she has first obtained the written permission of the Council;

(b) No permission must 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-section (1) must 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:

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Provided that for National, Provincial or Municipal elections or referendums only one poster needs to be submitted and an application fee paid by each candidate as determined Council.

every poster for which permission is granted in terms of sub-section (1) must be provided with a Council sticker and only posters with Local Municipality of affixed or approved Local Municipality markings may be displayed, (b) the Council is 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-section (1), must ensure that the following requirements are complied with

(a) no poster may 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 may be indecent, or suggestive of indecency, prejudicial to public morals or reasonably objectionable;

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

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

(i) Advertising posters 900mm high x 600mm wide;

(ii) (A1 size) Press posters 600mm high x 450mm wide (A2 size).

(e) every parliamentary, provincial or municipal election or referendum poster must 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 may 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 and no securing material with a metal content is permitted;

(f) the frame referred to in paragraph (d) must 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 that it will not become or wholly or partially dislodged by wind or another 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, and are limited to a maximum of 2 frames per pole. No frame may 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 may 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 may 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:

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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 or election is to be held, as the case may be, to the end of the fifth day after the date of such election or referendum;

(i) subject to the discretion of the Council, not more than 2000 posters may 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 may 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 may be so exhibited in the municipal area of the Municipality or as 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.

(n) the display of posters on any bridge or in sensitive areas identified by the Council, is prohibited.

(o) the display of auction posters must only be within the area of jurisdiction of the Municipality duly authorised by the Sheriff of the Court, to a maximum of 40 posters. 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, must be regarded as advertising.

(4) The provisions of sub-section (2) do 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 Section 2.

Any poster, which is displayed without permission or in contravention of this Section, 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

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(1) All signs and hoardings must be properly constructed of the requisite strength and must, 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 assumes all liability and responsibility in connection therewith, including maintenance, and must undertake at least one annual inspection thereof with a view to satisfying themselves as to the safety thereof.

(3) Every sign or hoarding must 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 Section 2(5) that the installation is structurally safe.

28. DESIGN REQUIREMENTS FOR SIGNS

(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 section 22 and which is required to conform to section 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 Section 13 or as means of support for such sign, hoarding or screen must be painted or otherwise effectively protected against corrosion.

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

30. POWER CABLES AND CONDUITS TO SIGNS

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(1) Every power cable and conduit containing electrical conductors for the operation of a sign must be so positioned and fixed that it is not unsightly.

(2) No advertising sign or hoarding may be connected to any electricity supply without the prior written permission of the relevant electricity supply authority. Such proof of permission must 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 or her at his or her 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 sub-section (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-section (1).

(3) The Council must, 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 these By-laws and the National Building Regulations and Building Standards Act 1997 (Act No. 103 of 1977), the Act prevails.

33. CHARGES

(1) Every person who applies to the Council for its approval or permission must on making application pay to the Council the charge determined therefore and no application must be considered until such charge has been paid.

(2) The fines and penalties for offences in terms of section 36 are as follows:

(a) upon conviction of an offence, the guilty party is 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 is 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 must 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 (fly poster) R1 000,00
(iv) Saturdays relevant charge plus 50% (v) 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 these By-laws.

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(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 By-laws 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 pus R50.00 per square metre of advertising display or part thereof;
(c) signs removed and not released within 3 months must be disposed of by the Council;

34. DAMAGE TO COUNCIL PROPERTY

(1) No person may 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 section 38.

35. ENTRY AND INSPECTION

The Council is 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 these By-laws.

36. OFFENCES

Any person who -

(a) contravenes or fails to comply with any provision of these By-laws;
(b) contravenes or fails to comply with any requirement set out in a notice issued and served to him in terms of these Bylaws;
(c) contravenes or fails to comply with any condition imposed in terms of these By-laws; (d) knowingly makes a false statement in respect of any application in terms of these By-laws;

is guilty of an offence and may on conviction be liable to a fine or imprisonment as set out in section 33(2)(a), and in the case of a continuing offence to a fine, as set out in section 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 or she is liable on conviction to a fine or imprisonment as set out in section 33(2)(c).

37. PRESUMPTIONS

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

(a) the owner of any land or building on which any advertising sign, hoarding or poster was displayed, is deemed to having displayed such advertising sign, hoarding or poster or caused or allowed it to be displayed;

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(b) 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, is 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;

(c) any person whose name appears on an advertising sign, hoarding or poster is 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-section (1), the Council or its authorised agent may remove such an advertising sign or hoarding.

(3) The Council is in removing a transit sign, advertising sign or hoarding contemplated in sub- section (1) not required to compensate any person in respect of such advertising sign or hoarding, in any way for 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-section (2) or in doing alterations or other works in terms of this Section may be recovered from the person on whom the notice contemplated in sub-section (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-sections (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 these By-laws 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 is deemed to have been properly served if served personally on him or her or any member of his or her household apparently over the age of sixteen years at his place of residence or on any person employed by him or her at his or her 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 these By-laws must be confirmed in writing.

40. REPEAL OF BY-LAWS

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Any by-laws relating to advertising adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

41. SHORT TITLE

This by-law is called the By-law relating to Advertising, 2011.

ANNEXURE 1

NOTICE OF APPLICATION FOR THE ERECTION OF ADVERTISING SIGNS/ HOARDINGS IN TERMS OF SECTION 40(1)
OF THE ADVERTISING SIGNS AND HOARDINGS BY-LAWS OF
THE LOCAL MUNICIPALITY OF ……..
NAME OF APPLICANT:
…… ADDRESS OF
APPLICANT: ……..
Physical:
Postal:
NAME OF OWNER UPON WHICH SIGN IS TO BE SITED:
ADDRESS OF OWNER UPON WHICH SIGN IS TO BE SITED:
Postal:
DESCRIPTION OF PROPERTY ON WHICH SIGN IS TO BE SITED:
PHYSICAL ADDRESS OF THE PROPOSED SIGN:
DIMENSIONS OF ADVERTISING SIGN:
Particulars of the application will lie for inspection from 8:00 till 13:00 and 13:30 till 15:30 with the Council at the office of……(address & room number) for a period of 14 days from ……..(the date of the first publication of the notice contemplated in section 40(1) of the by-laws).
Objections in respect of the application must be lodged in writing to the Council and the applicant at the above respective addresses or at the postal address as indicated by the applicant and the following
postal address of the Council ……..within a period of 14 days from ……. Such objection MUST INCLUDE THE POSTAL ADDRESS OF THE PERSON MAKING THE OBJECTION however must not determine the validity of such objection.
I …… being the applicant in this matter hereby certify that the application must be submitted to the Council and open for inspection from the prescribed period.
DATE: ……..SIGNED: ……..

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**Note: Size of advertisement must be the standard size for legal notices contained in the majority of newspapers.*

ANNEXURE 2

NOTICE OF APPLICATION FOR THE ERECTION OF ADVERTISING SIGNS/ HOARDINGS IN TERMS OF SECTION 40(2)
OF THE ADVERTISING SIGNS AND HOARDINGS BY-LAWS OF
THE LOCAL MUNICIPALITY OF ……..

NAME OF APPLICANT:

…… ADDRESS OF APPLICANT: ……..

Physical:
Postal:
NAME OF OWNER UPON WHICH SIGN IS TO BE SITED:
ADDRESS OF OWNER UPON WHICH SIGN IS TO BE SITED:
Postal:
DESCRIPTION OF PROPERTY ON WHICH SIGN IS TO BE SITED:
PHYSICAL ADDRESS OF THE PROPOSED SIGN:
DIMENSIONS OF ADVERTISING SIGN:

Particulars of the application will lie for inspection from 8:00 till 13:00 and 13:30 till 15:30 with the Council at the office of……(address & room number) for a period of 14 days from ……..(the date of the first publication of the notice contemplated in section 40(1) of the by-laws).

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Objections in respect of the application must be lodged in writing to the Council and the applicant at the above respective addresses or at the postal address as indicated by the applicant and the following
postal address of the Council …….. within a period of 14 days from ……. Such objection MUST INCLUDE THE POSTAL ADDRESS OF THE PERSON MAKING THE OBJECTION however must not determine the validity of such objection.
I ……. being the applicant in this matter hereby certify that the application must be submitted to the Council and open for inspection from the prescribed period.

DATE: ……. SIGNED:…….

**Note: Size of advertisement must be A1 for each language as prescribed.*

_____
_____ _____

LOCAL MUNICIPALITY OF ……..

DETERMINATION OF CHARGES FOR ADVERTISING SIGNS AND HOARDINGS

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In terms of section 11(3) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), it is hereby notified that the Local Municipality of …….. has amended its Determination of Charges for Advertising Signs and Hoardings with effect from 1 July 20….. 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 meter 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.

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

  (i) No commercial advertising and logos of sponsors will appear on posters; 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.

  (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 must 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 meter of advertising display payable for a five year approval by council irrespective of whether the sign is erected on private or Council land.

_____
_____