

# SENQU MUNICIPALITY MUNICIPAL NOTICE

LOCAL AUTHORITY NOTICE NO...

2017

## BY-LAW ON OUTDOOR ADVERTISING AND SIGNAGE

The Municipal Council in the Schedule hereto publishes, in terms of section 13 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) read with section 162 of the Constitution of the Republic of South Africa Act 1996 (Act 108 of 1996) the By-law on Outdoor Advertising and Signage.

### SCHEDULE

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## CHAPTER 1

### OBJECTIVES, DEFINITIONS AND APPLICABILITY OF BY-LAW

#### 1 Objectives

The purpose of this By-law is to provide a set of regulations governing the use of land and buildings for outdoor advertising and signage and for matters incidental thereto.

#### 2 Definitions

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

**"advertising structure"** means any physical structure built or capable of being used to display a sign;

**"advertisement"** means any representation of a word, name, letter, figure or object or an abbreviation of a word or name, or any symbol; or any light which is not intended solely for illumination or as a warning against any dangers and "advertising" has a similar meaning;

**"aerial sign"** means a sign that is displayed or performed in the air, including but not limited to balloons and blimps that can be blown from within the Municipality's area of jurisdiction;

**"approval"** means approval by the Municipality or by officials or executive councillors by virtue of powers delegated to them; and "approve" has a corresponding meaning;

**"area of control"** means an area of control determined by the Municipality in accordance with the provisions of Chapter 4 of this By-law where a proposed sign may be erected or displayed and which shall be graphically depicted by way of maps prepared by the Municipality from time to time;

**"banner"** means any material upon which a sign is displayed in such a manner as to be fully legible in windless conditions, attached to one or more ropes, poles or flagstaffs projecting vertically, horizontally or at an angle, or attached to buildings or special structures, but excludes banners carried as part of a procession. A flag which is not displayed on an approved flag pole shall for the purposes of this By-law, be deemed to be a banner;

**"billboard"** means any screen or board which stands free and is larger than 4.5 m<sup>2</sup> in total area; which is supported by, or consists of, a structure used, or intended to be used, for the purpose of posting, displaying or exhibiting a sign;

**"clear height"**, in relation to a sign, means the vertical distance between the lowest edge of the sign and the natural level of the surrounding ground, footway or roadway immediately below the sign;

**"commercial advertising"** means any words, letters, logos, figures, symbols, pictures relating to the name of a business, trade, partnership, individual, or any information, recommendation or exhortation; in respect of any particular goods manufactured or sold, or any particular services rendered or offered, or any event for commerce or entertainment, including sporting events;

**"commercially sponsored sign"** means a sign which advertises goods or services; but the erection of which has a secondary purpose, which is to promote or contribute to some recognised public or community goal or function;

**"common boundary facade"** means any façade of a building which is built abutting a rear or side boundary of an erf and which façade is blank, meaning having no architectural features, which includes windows;

**"compliance officer"** means a person who is authorised to implement and enforce the provisions of this By-law by virtue of his or her –

- (a) declaration as a peace officer as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977);
- (b) appointment as a police officer as contemplated in the South African Police Service Act, 1995 (Act 68 of 1995);
- (c) a traffic officer appointed in terms of section 3 of the Road Traffic Act, No. 29 of 1989 or section 3A of the National Road Traffic Act No. 93 of 1996 as the case may be;
- (d) appointment as a law enforcement officer traffic officer by the Municipality and declaration as peace officer as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977); or
- (e) appointment by the Municipality as a compliance officer or an inspector;

**"composite sign"** means a single advertising structure for the display of more than one advertising sign, either freestanding or affixed to a building;

**"consultant"** means a suitably qualified independent person or company that acts on behalf of, or as an agent of, an applicant for approval of a sign in terms of this By-law;

**"continuing offence"** means an offence in terms of this By-law, which continues to exist, after the expiry of the notice period referred to in a notice served in terms of this By-law;

**"Council"** means the Senqu municipal council, a municipal council referred to in section 157(1) of the Constitution;

**"custom made design"** means the design of any sign, which features special effects such as specialist character cut outs and/or shapes and/or three dimensional presentations or moving parts and which is uniquely designed and/or constructed for erection in a particular location;

**"development board"** means a sign displayed at premises upon which building operations are currently in progress and relating to any services being provided, work being done or goods being supplied in connection with such building operations. This excludes contract boards for building and civil engineering projects as required in terms of the National Building Regulations and Building Standards Act, 103 of 1977 as amended from time to time and defined in terms of the General Conditions of Contract and/or Specifications of the appropriate institutions;

**"display"** means the display of a sign and includes the erection of any billboard, sign or structure intended solely or primarily for the support of a sign or billboard; and, in addition, includes the display of a sign of a business, trade partnership or individual connected with the contents of the sign or sign; and "displayed" has a corresponding meaning;

**"electronic sign"** means a sign which has an electronically controlled, illuminated display surface which allows all, or a portion, of the sign to be changed, or illuminated in different ways;

**"environmental impact assessment"** means an assessment carried out in accordance with the Municipality's guidelines for outdoor advertising;

**"estate agency"** means a person who markets and/or sells properties with or without buildings erected thereon and "estate agent" has a corresponding meaning;

**"existing sign"** means any sign previously approved by the Municipality;

**"fee"** means any fee, charge or deposit determined for purposes of this By-law, by the Municipality in terms of the Senqu Municipality: By-law on Tariffs, 2017;

**"flat sign"** means a sign which is affixed to, or painted directly onto, a wall of a building but not onto, or over, windows or doors or architectural articulations and which at no point projects more than 250 mm in front of the surface of such wall;

**"form"** means a form approved by the Municipality for purposes of this By-law;

**"freestanding sign"** means any sign or group of signs contained or displayed on one freestanding structure which is not attached to a building or to any structure or object not intended to be used for the primary purpose of advertising;

**"graphic"** includes but is not limited to any component which contributes to the visual appearance or aesthetics of a sign; including its background;

**"headline poster"** means a temporary poster advertising the contents of a daily or weekly newspaper;

**"height of a sign"** is calculated by measuring the vertical distance between the uppermost and lowest parts of the structure;

**"heritage impact assessment"** means a visual assessment of the impact that any proposed sign may have on the cultural heritage, whether built or recognised, at the locality where the proposed sign will be displayed;

**"internally illuminated sign"** means an advertisement or structure used to display an advertisement which has been installed with electrical or other power and an artificial light source which is fully or partially enclosed within the structure or sign and which light is intended to illuminate the advertisement or a portion thereof;

**"law"** means any law, proclamation, ordinance, Act of Parliament or Provincial Legislature, or any other enactment having the force of law;

**"locality bound advertising"** means any sign displayed on a specific erf, premises or building and may include (that subject to an encroachment fee) such a sign on municipal owned land, adjacent to, abutting on and/or within 5 metres of the aforementioned erf; premises or building which sign refers to an activity product service or attraction; located, rendered or provided on or from that erf or those premises;

**"loose portable sign"** means a freestanding locality bound notice or advertising board placed or erected in the road reserve or in a public open space;

**"movable sign"** means a sign not permanently fixed and not intended to remain fixed in one position, but does not include any moving part on a fixed permanent sign;

**"Municipality"** means the Senqu Municipality and includes the Council, any executive councillor, or committee established by the Municipality, or any employee thereof, or duly authorised agent thereof acting in connection with this By-law by virtue of a power vested in the Municipality and delegated to such employee or agent;

**"new sign"** means any sign first displayed after the promulgation of this By-law;

**"non-profit body"** is a body established primarily to promote a community goal or benefit without direct or personal financial gain; and may include educational, sporting, medical, municipal departments; bodies as well as charities or community organisations. The Municipality may call for documentary proof, (which may include the production of bank statements) of the non-profit status or community benefit objective of the body;

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

**"perimeter of an intersection"** means the perimeter of the area embraced within the prolongation of the road reserve lines of two or more public roads that join one another at any angle, whether or not one such public road crosses the other;

**"poster"** means temporary signs capable of being attached to the Municipal electrical light standards and/or pasted to fixed structures to advertise events or campaigns;

**"projected sign"** means any sign projected by a laser projector, video projector, or other apparatus;

**"projecting sign"** means a sign which is affixed to a wall of a building and which at some point projects more than 250 mm in front of the surface of such wall;

**"public facade"** means any façade that has windows or other architectural articulation;



**"public place"** means any public road, public street, thoroughfare, bridge, subway, footway, foot pavement, footpath, sidewalk, (or similar pedestrian portion of a Road Reserve), lane, square, open space, garden, park or enclosed place vested in the Municipality, or other state authority or indicated as such on the Surveyor General's records, or utilized by the public or zoned as such in terms of the applicable zoning scheme;

**"public road"** means public road as defined in the National Road Traffic Act 93 of 1996;

**"road authority"** means the road authority as defined in Section 2 of the Roads Ordinance (Ordinance 19 of 1976);

**"road reserve"** means the area contained within the statutory width of a road, and includes roadways, shoulders and sidewalks and the airspace above such roadways, shoulders and sidewalks and all other areas within the road reserve boundary;

**"roadway"** means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic as defined in the National Road Traffic Act No 93 of 1996;

**"roof sign"** means a sign affixed to a roof of a building where the top edge of any point of that sign does not exceed the height of the roof plane to which it is affixed;

**"scenic drive"** means a road designated as such on an approved zoning scheme or from which landscapes or features of aesthetic or cultural significance can be seen or viewed as designated by the Municipality from time to time;

**"security sign"** means an outdoor sign for neighbourhood watch and similar schemes, and a sign containing the name, logo, address and telephone number of a security company contracted to protect, or security system installed to protect, the premises on which the sign is displayed;

**"service station facility sign"** means freestanding signs at petrol filling stations, roadside rest and service areas and includes service station pylon signs;

**"shop"** means a building used for retail trade or services;

**"sign"** means any object, product, replica, advertising structure, mural, device or board which is used to publicly display a sign or which is in itself a sign; and includes a poster and a billboard;

**"signalized traffic intersection"** means an intersection controlled by traffic signals;

**"sky sign"** means a sign where the top edge of any point of that sign exceeds the height of the roof plane to which it is affixed;

**"sponsored sign"** means a sign, the primary purpose of which is not to advertise goods or services but which displays a graphic or content which promotes community or public awareness of a recognised public or community goal;

**"street name signs"** means pole-mounted, double-sided, internally illuminated or unilluminated signs displayed in combination with names of streets, not exceeding 1 m<sup>2</sup>;

**“street furniture”** means public facilities and structures which are not intended primarily for advertising and includes but is not limited to seating benches, planters, bins, pole mounted bins, bus shelters, sidewalk clocks, drinking fountains, Telkom boxes, traffic signal controllers, electricity boxes, post boxes and telephone booths, but excludes road traffic signs, traffic signals, street lights or any other road-related structures;

**"temporary signs"** means signs which are displayed for a maximum period of 14 days, or such other period as may be approved by the Municipality;

**"thickness"** in relation to a projecting sign, means the width of such sign measured parallel to the plane of the main wall to which such sign is affixed;

**"third-party advertising"** means the advertising of goods or services that are not made, procured, sold or delivered from the property on which the sign and/or sign advertising of those goods or services is fixed or placed, and includes advertising which is not locality bound as well as the display of a sign which is made, procured or sold from the property but advertises goods or services which are not made, procured, sold or delivered from that property;

**“three dimensional sign”** means a sign containing more than 2 dimensions, including product replicas;

**"traffic impact assessment"** means a study carried out by a registered Professional Engineer with demonstrable experience in the field of traffic engineering that investigates the impact a proposed sign may have on vehicle/pedestrian/cyclist safety and traffic operation. The study should recommend any mitigating measures that may be required as a result of that impact;

**"traffic sign"** means a road traffic sign as prescribed in the National Road Traffic Act No. 93 of 1996;

**"traffic signal"** means a road traffic signal as prescribed in the National Road Traffic Act No. 93 of 1996;

**"transit advertising"** means advertising by means of a movable sign which is capable of being transported by road either on or in conjunction with a motorized vehicle, including trailers primarily used for advertising;

**"transportation terminals"** means any area designated by the Municipality as such, where the formal interchange of modes of public transport takes place by the public, including, but not limited to designated railway stations, official taxi terminals and bus terminals;

**“urban edge line”** means a predetermined point-to-point boundary line as determined by the Municipality from time to time, which has as its purpose, the containment of urban development;

**"verandah"** includes a cantilevered canopy and sunblind;

**“window signs”** means signs which are temporarily or permanently painted on, or attached to the window-glass of a building; and

**"zone"** means a land use zone as set out in the relevant zoning schemes or Town Planning Regulations as amended from time to time and applicable to any erf on which a sign is displayed or intended to be displayed and "zoning" has a corresponding meaning.

### **3 Applicability of By-law**

(1) This By-law shall not apply in respect of signs which are not visible from beyond the boundaries of the property on which they are displayed.

(2) Nothing contained in this By-law shall be construed as being in derogation of any law enacted by a national or provincial authority, in particular, the provisions of the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940), as amended, or any regulations made in terms thereof in its application to the advertisement to which it refers.

(3) All applications for outdoor advertising signs in conservation areas shall require the input of the relevant local body concerned with environmental and conservation matters.

## **CHAPTER 2**

### **APPLICATIONS FOR APPROVAL TO ERECT OR DISPLAY SIGNS**

#### **4 Approval required**

No person may, except as otherwise provided for in section 84 of this By-Law, erect or display or cause or permit to be erected or displayed any outdoor sign without the written approval of the Municipality.

#### **5 Application for approval**

(1) A person who intends to erect or display a sign or to alter an existing approved sign, for which the approval of the Municipality is required, must apply to the Municipality on the application form determined by the Municipality.

(2) The application form must be duly completed, signed by the applicant and accompanied by –

- (a) proof of payment of the application fee;
- (b) if the applicant is not the owner of the property, a power of attorney signed by the owner of the property, except if the Municipality is the owner of such property, in which case no such power of attorney is required;
- (c) full specifications showing the dimensions and design of such sign, its location or proposed location on a building or other supporting structure, the materials of construction, the name and address of the contractor erecting the sign, and, where applicable, the number of electric lights and electrical details in regard thereto;
- (d) a plan indicating the position of such sign on the site, detail drawings drawn to an appropriate scale; and
- (e) in the case of a projecting sign or free-standing sign, information in regard to the size of all members of supporting frameworks and anchorages and, if required by the Municipality, all calculations upon which such size is based; and
- (f) where more than one enterprise or business is operating on a single property or in a single building, a signage master plan must be submitted by the by the owner of the property.

- (3) The Municipality may require the submission of any or all or specific phases of the following:
- (a) an environmental impact assessment;
  - (b) a heritage impact assessment; and
  - (c) a traffic impact assessment.

(4) If in the Municipality's opinion, a community or portion thereof or a person will be affected by the proposed sign, it may require a public participation process prior to considering the approval, which public participation process shall comply with the Municipality's policy on public participation.

(5) The Municipality must notify the applicant of any additional requirements it has, within 21 working days of the date of submission of the original application.

(6) If the Municipality requires any additional information as contemplated in subsection (5), the applicant must submit such information within the period provided for in the notice referred to in subsection (5) or such other period as the Municipality and the applicant may agree to.

(7) If the applicant does not submit the additional information within the period referred to in subsection (6), the application is deemed to be withdrawn by the applicant and if the applicant wishes to continue with the erection, display or alteration of a sign, he or she must submit a new application and pay the application fee.

## **6 Decision of Municipality**

(1) The Municipality may refuse any application or grant an application subject to such conditions as it may deem necessary.

(2) If an application is refused or is granted conditionally by the Municipality, the applicant may appeal against such decision as contemplated in section 82.

## **7 General criteria for consideration and determination of application by Municipality**

(1) When the Municipality considers an application submitted in terms of this By-law it must, in addition to the requirements of Chapter 3, section 11 and sections 13 to 15, have regard to the following:

- (a) The area of control where the proposed sign is to be erected or displayed;
- (b) the type of locality or landscape and the advertising opportunities pertaining to that area of control;
- (c) the number of signs already displayed or proposed to be displayed on the property and in the area surrounding that property;
- (d) the findings of any traffic impact assessment, environmental impact assessment or heritage impact assessment and more specifically any such finding as to whether the proposed sign will be detrimental to the environment or adversely affect the amenity of the locality or neighbourhood or affected properties;
- (e) locality bound signs must relate to the lawful use of a property provided that no such sign may be affixed to or placed on residential premises or portions thereof other than is permitted by or for home industries and legal temporary uses;
- (f) the outcome of any process of public participation regarding the proposed sign;
- (g) that no sign or advertisement may be designed or displayed that -

- (i) will constitute a danger to any person or property;
- (ii) will display any material or graphic which, whether in form, content or both, may reasonably be expected to cause offence to the public or an identifiable class of persons;
- (iii) will be detrimental to the environment or amenity of the neighbourhood by reason of either its size, intensity, frequency, illumination, quality of design, material, proposed graphic, locality or for any other reason;
- (iv) will obscure any other signs approved in terms of this By-law or the by-law repealed by this By-law; and
- (v) will be detrimental or otherwise negatively impact on the environment, whether artificial or natural.

(2) In considering a proposal for new graphics in respect of a sign approved in terms of this By-law, the Municipality must have regard to the factors referred to in subsections 1(d), (e), (f) and (g).

## **8 Extension of approval period**

(1) The Municipality will only consider an application for the extension of an approval period granted in terms of this By-law on condition that the said sign complies with the provisions of this By-law as at the date of application for such an extension.

(2) The Municipality will have regard to the factors referred to in section 7 in assessing an application for an extension of the approval period.

(3) In the event of the approval period being extended by the Municipality, the extension period shall not exceed a further period longer than the period for which the original approval was granted for.

(4) Any application for an extension of an approval period in terms of this section must be accompanied by the applicable fee.

## **9 General prohibitions**

(1) No property may be used for the primary purpose of erecting advertising signage.

(2) Signs on a property may only relate to the business operated thereon and the products processed, produced or sold thereon.

(3) The content of a sign may not be offensive, but must be tasteful, simple and informative.

(4) Illumination may not be a source of light pollution, visual nuisance or interference.

(5) A sign or a portion thereof may not protrude above the main roof-line or parapet wall of a building, or beyond the edges of the particular portion of the building to which it is attached, nor conceal architectural detail of façades on buildings.

(6) A sign that is affixed to a building may not contain obtrusive visible struts or anchors and the electricity supply to illuminated signs shall be concealed.

(7) Illumination shall be limited to the face of the sign and where illumination is by external means or spotlight, such illumination will be directed downwards onto the face of the sign and may not cause nuisance to passing traffic or to other properties.

(8) A minimum clear height of 2,3m shall be adhered to for all signs over public walkways and accesses, except for road traffic signs.

(9) A sign or a portion thereof may not be placed within 300mm of the vertical line formed by the roadside edge of a kerbed-stone.

(10) Any sign, including those utilized for advertising of events of a civic, cultural, religious, social, sporting or welfare-related nature may display a sponsor's logo not greater than one-third of the area of the advertising sign.

(11) An information "i" sign may only be displayed by an enterprise accredited as an information bureau in terms of applicable tourism legislation.

(12) All signs on main roads must comply with the provisions of the Advertising of Roads and Ribbon Development Act, 1940.

(13) No advertising pamphlet may be pasted on any wall or structure without the express permission of the owner thereof and the advertiser shall be liable for any costs involved in removing such advertisements, including where littering has occurred as a result of unauthorized placing of such pamphlets or posters.

## **10 Removal of sign on municipal property**

A sign that has not been erected or placed in accordance with the provisions of this By-law and which is on municipal property, may be removed by the Municipality without notice to the advertiser and at his or her expense and the sign will only be returned to the advertiser upon payment of a release fee.

## **CHAPTER 3**

### **GENERAL CONDITIONS OF APPROVAL**

## **11 Safety and construction of sign**

- (1) No advertisement or advertising structure, as permitted by this By-law, may -
  - (a) be displayed or placed so as to constitute a danger to any person or property;
  - (b) be so placed or contain an element which distracts the attention of drivers in a manner likely to lead to unsafe driving conditions;
  - (c) be illuminated to the extent that it causes discomfort to or inhibits the vision of approaching pedestrians or drivers;
  - (d) be attached to a road traffic sign or signal, combined with a road traffic sign or signal, unless specifically provided for in the South African Road Traffic Signs Manual, obscure a road traffic sign or signal, create confusion with a road traffic sign or signal, interfere with the functioning of a road traffic sign or signal or create a road safety hazard in the opinion of the relevant roads authority;
  - (e) obscure the view of pedestrians, road and features of the road, or pavement such as junctions, bends and changes in width;

- (f) exceed the minimum clearance with regard to overhead power lines as prescribed in regulation 15 of the Electrical Machinery Regulations, No R1593 in GG. 11458 of 12 August 1988; and
  - (g) be erected in a power line servitude without the permission of the controlling authority and a copy of such permission must be made available to the Municipality.
- (2) A sign or advertisements positioned along a road and specifically targeting the road user must be concise and legible and must comply with the following requirements:
- (a) No sign displaying a single advertisement or message may exceed 15 “bits” of information;
  - (b) no combination sign or any other sign displaying more than one advertisement or message may contain more than 6 “bits” of information per enterprise, service or property or per individual advertisement or message displayed on a combination sign;
- (3) The “bit” values contemplated in subsection 2(b) must be calculated as follows:
- (i) Words of up to 8 letters, inclusive 1 bit;
  - (ii) Numbers of up to 4 digits, inclusive 0.5 bit
  - (iii) Numbers of 5 - 8 digits, inclusive 1 bit
  - (iv) Symbol, logo or abbreviation 0.5 bit
- (4) Any sign permitted by this By-law must -
- (a) be neatly and properly constructed and executed and finished in a workmanlike manner;
  - (b) consist of durable materials in accordance with the function, nature and permanence of the advertisement, sign or structure and materials such as cloth, canvas, cardboard, paper or synthetic cardboard should be used only when essential to the nature and function;
  - (c) have a neat appearance in terms of advertisement content and sign writing;
  - (d) be rigidly and securely attached, supported and anchored in a safe manner so that unwanted movement in any direction is prevented;
  - (e) be capable of effectively securing, supporting and maintaining not less than twice its mass with the addition of any force to which the sign may be subjected, including wind pressure;
  - (f) wherever necessary in accordance with the nature of the sign and when attached to brickwork, masonry or concrete, be securely and effectively attached thereto by means of bolts securely embedded in such brickwork, masonry or concrete or passing through the same and secured on the opposite side; and
  - (g) when attached to conservation-worthy buildings, be attached with the necessary expert advice in order to prevent damage to such buildings.
- (5) Glass used in signs (other than glass tubing used in neon and similar signs) must be safety glass, at least 6mm thick and glass panels used in signs may not exceed 0,900 m<sup>2</sup> in area, each panel being securely fixed in the body of the sign, structure or device independently of all other panels.
- (6) Every illuminated sign and every sign in which electricity is used must be in accordance with the requirements of the Municipality or any other electricity regulator and must -

- (a) have power cables and conduit containing electrical conductors positioned and fixed so that they are not unsightly;
  - (b) (2) be constructed of material which is not combustible;
  - (c) (3) be provided with an external switch in an accessible position whereby the electricity supply to the sign may be switched off; and
  - (d) be properly wired and constructed.
- (7) All signs must comply with the relevant provisions of the National Building Regulations.

## **12 Maintenance of signs**

(1) The owner of the property on which any sign is erected or displayed and the advertiser are jointly and severally responsible for the maintenance of such a sign, together with all its supports, braces, guys and anchors, and to service it on a regular basis and to maintain it in good repair according to the highest standards for quality of structures, posting and sign writing.

(2) Whenever any alteration is made to the ground level adjacent to any sign, such owner and advertiser are jointly and severally responsible for the alteration of the height of such sign.

(3) Should any sign become dangerous or a nuisance, the owner or advertiser must immediately remove the source of danger or the nuisance and failure to do so shall constitute an offence.

(4) Should an owner or advertiser fail to comply with the terms of a notice issued by the Municipality to remove such source of danger or nuisance, the Municipality may remove the sign concerned at the expense of the owner or the advertiser and no compensation or damages shall be payable by the Municipality to any person in consequence of such removal.

## **13 Positioning of signs**

Unless otherwise provided for in this By-law, a sign permitted by this By-law may:

- (a) not be positioned on a road island or road median, with the exception of street name advertisements;
- (b) not be suspended across a road except with the written approval of the Municipality, and subject to any conditions imposed by the Municipality;
- (c) not be erected within or suspended above a road reserve, except for signs that relate to road construction;
- (d) not be erected within an area formed by a square with sides measured 10m long the edge of a kerb from any urban street corner, or within the road reserve for a distance of 25m from urban street corner, with the exception of signs which are attached to buildings, and illuminated signs allowed within the area formed by a square with sides measured 15m along edge of kerb from any signalized street corner, may not contain the colours red, green or amber.

## **14 Illumination**

- (1) In areas of sensitivity, downward-directed external lighting must be utilized.
- (2) The light source emanating from floodlights may not cause any nuisance to passing traffic.



- (3) Floodlighting must be so positioned to ensure effective distribution and minimize light wastage.
- (4) No illuminated flashing sign in the colours red, amber or green may be erected within 20 metres of a traffic light.

## **15 Damage or defacement by removal of sign**

Any damage or defacement of any building or site caused by or resulting from the removal of any sign must be repaired to the satisfaction of the Municipality at the owner's cost.

## **CHAPTER 4**

### **AREAS OF CONTROL**

## **16 Categories of control**

The four categories of control are –

- (a) prohibited area;
- (b) maximum control;
- (c) partial control; and
- (d) minimum control.

## **17 Prohibited area**

No sign may be erected or is permitted in a prohibited area.

## **18 Maximum control in residential area, sensitive area and area of civic interest**

(1) A sign may be permitted under strict control of the design, size, location, colour and number of sign, but the Municipality reserves the right to prohibit a sign other than those giving the name of the owner or main tenant or the name of the building.

(2) In a sensitive area and an area of civic interest the following controls apply in addition to those set out in subsection (1):

- (a) Only one sign will be permitted for each street frontage of a property;
- (b) the materials and colours of the sign must harmonize with the building;
- (c) only concealed backlighting or floodlighting of signs will be permitted.

## **19 Partial control**

(1) A sign in a partial control area is controlled in terms of size, position and subject matter and where required, in terms of colour.

(2) The owner of a business has the right to make his or her presence and the nature of the service known.

(3) Partial control applies within a school or educational institution, sports field and stadium, office block, commercial centre in a residential area, a government enclave and commercial ribbon development.

## **20 Minimum control**

(1) In an area in which this category applies the main consideration is public safety.

(2) Minimum control would apply within an industrial area, a commercial enclave, shopping centre, entertainment complex, transport nodes such as taxi and bus ranks, airfields and railway stations.

## **21 General matters pertaining to areas of control**

(1) A street is deemed to fall within the area of stricter control of the property fronting it.

(2) The perimeter of an area will be dealt with as for the adjacent area of stricter control.

(3) In a case where areas of control overlap, the stricter control category applies.

(4) If a sign falls into more than one possible area of control or if a proposed sign site located in one area of control may impact on an adjacent area of control, the Municipality may determine the area of control pertaining to that application.

## **CHAPTER 5**

### **BILLBOARDS**

## **22 Area of control where billboard may be erected and displayed**

Subject to approval in terms of this By-law, the erection and display of a billboard, whether custom made or of a standard design, is permitted only in an area of minimum control.

## **23 Requirements for billboard**

(1) A billboard -

- (a) if the proposed erf where the billboard is to be erected, borders on a designated urban road and furthermore if the buildings on that erf are more than 50m from the road reserve line, may not be placed less than 50m from the road reserve line this same distance to be calculated at 90° to the nearest point of the road reserve;
- (b) must comply with the standard conditions for approval set out in this By-law;
- (c) may not encroach over the boundary line of the property on which it is erected, whether such encroachment is aerial or on ground level;
- (d) must have a minimum clear height of 2,4m and a sign structure which does not exceed a maximum height of 7,5m above natural ground level;
- (e) may not exceed a maximum total size of 36m<sup>2</sup> provided that on any V-shaped single structure, two such panels may be permitted;
- (f) must have a minimum letter or number height of 285mm;
- (g) must be displayed between the angles of 90° and 60° to the direction of oncoming traffic;
- (h) must be spaced a minimum distance apart as may be required for road traffic safety requirements;
- (i) may be externally or internally illuminated;
- (j) must not be any form of flashing sign;

- (k) if located at signalized traffic intersections, may not be erected or displayed within 50m of the perimeter of the intersection if not illuminated; and within 80m of the perimeter of the intersection if illuminated.

(2) The distance referred to in subsection (2)(a) may be waived to a distance no less than the alignment of the public facades of building on the erf or adjacent erven, if such adjacent buildings or if the buildings on the erf are less than 50m from the road reserve upon receipt of an environmental impact assessment and traffic impact assessment indicating no detrimental impact.

(3) If the proposed site of erection of a billboard has been designated as a gateway then no billboard will be permitted within such gateway.

(4) Any billboard erected along the right hand side of a section of road, such that its graphics are visible to a driver travelling on the left hand side of the road, is deemed to have replaced the advertising opportunity that existed on the left hand side of the road.

(5) A billboard that is owned by the Municipality and leased to an advertiser, may only be approved through the tender process as required in terms of Municipality's procurement procedures, and only for sites to be approved by the Municipality taking into consideration various factors such as urban aesthetics, traffic safety and environmental impact.

## **24 Bit weights**

(1) The information content of a proposed advertisement is measured in bits and the total bits in a proposed advertisement may not exceed 15.

(2) In calculating the information content of a proposed advertisement the bit weights shown in the table below must be used:

| <b>Elements of the Advertisement</b> |                                  | <b>Bits per element</b> |
|--------------------------------------|----------------------------------|-------------------------|
| Words                                | Up to 4 letters                  | 0.5                     |
|                                      | 5 to 8 letters                   | 1.0                     |
|                                      | More than 8 letters              | 2.0                     |
| Numbers                              | Up to 4 digits                   | 0.5                     |
|                                      | 5 to 8 digits                    | 1.0                     |
|                                      | More than 8 digits               | 2.0                     |
| Logos, symbols and graphics          | Smaller than 9m <sup>2</sup>     | 0.5                     |
|                                      | Between 9 and 18 m <sup>2</sup>  | 1.0                     |
|                                      | Between 18 and 27 m <sup>2</sup> | 1.5                     |
|                                      | Larger than 27 m <sup>2</sup>    | 2.0                     |

## **CHAPTER 6**

### **LOCALITY BOUND FREESTANDING AND COMPOSITE SIGNS**

**25 Area of control where locality bound freestanding and composite sign may be erected and displayed**

Subject to approval in terms of this By-law, the erection and display of a locality bound freestanding sign is only permitted in urban areas of maximum, partial and minimum control.

## **26 Requirements for locality bound freestanding and composite sign**

- (1) A locality bound freestanding sign is only permitted where -
  - (a) the business premises is set back 15m or more from the boundary of the road reserve;
  - (b) it is not reasonably possible to affix the relevant sign to a building;
  - (c) such a sign is necessary to allow the public to locate the entrance to the business premises; or
  - (d) the existence of a freestanding composite sign may prevent the proliferation of signs
- (2) A locality bound freestanding composite sign may not exceed 7.5m in height and may not exceed 4.5m<sup>2</sup> in total area.
- (3) The height restriction referred to in subsection (2) may be waived by the Municipality to a maximum height of 10m and a maximum total area of 15 m<sup>2</sup> per side, having regard to the following factors:
  - (a) If such increase reduces the number of individual signs facing any one street boundary of the site, thereby minimising the visual impact on the surrounding environment;
  - (b) if more than two significant roads approach the site in question;
  - (c) the number of businesses which will be advertising on such sign;
  - (d) the number of approach and exit routes to the site in question;
  - (e) the applicable zoning of the area surrounding the site in question.
- (4) A service station free standing sign must be locality-bound and may only be erected or displayed at the service stations adjacent to and directly accessible from the public road at which such a sign is directed and only one service station free standing facility sign per street boundary is permitted.
- (5) A service station free standing sign must not exceed 7.5m in height and may not consist of more than eight advertising panels of 4.5m<sup>2</sup> each in total area.
- (6) The height restriction referred to in subsection (5) may be waived by the Municipality to a maximum height of 16m and eight advertising panels not exceeding 6m<sup>2</sup> each in total area having regard to the factors mentioned in subsection (3) above.

## **CHAPTER 7**

### **SIGNS ATTACHED TO WALLS OF BUILDINGS: FLAT AND PROJECTING SIGNS**

## **27 Area of control where sign attached to wall of building may be erected and displayed**

Subject to approval in terms of this By-law, the erection and display of a flat and projecting sign is permitted in all areas of maximum, partial or minimum control.

## **28 Requirements for flat and projecting sign attached to wall of building**

- (1) A flat and projecting sign -
  - (a) is not allowed within 0,6 m of the edge of a roadway nor it may not extend to within 0,6 m of the edge of a roadway;

- (b) may not project in front of a wall more than 1,5 m in the case of a sign which has a clear height of more than 7.5 m or more than 1 m in the case of any lesser clear height;
- (c) may not project more than 250 mm over a footway unless such sign has more than 2.4 m clear height;
- (d) may not obstruct the view from any window or any other external opening of any building and no portion of any such sign shall be affixed over or onto any window, door or any other openings;
- (e) may not exceed 54m<sup>2</sup> in total area and may not exceed one-quarter of the overall area of the surface to which they are affixed or painted whichever is the lesser.

(2) The size restriction referred to in subsection (1)(e) may be waived by the Municipality on condition that:

- (a) An environmental impact assessment is submitted to the Municipality indicating no detrimental environmental impact is envisaged;
- (b) if it is proposed to erect a flat or projecting sign in a conservation area, a heritage impact assessment is submitted indicating no detrimental impact in respect of heritage resources is envisaged,
- (c) the graphics which are proposed for the proposed sign will be fixed for the period of display of the sign.
- (d) the proposed sign only displays graphics designed and created by a suitably qualified creative consultant.

(3) A flat and projecting sign may be considered for approval on blank common boundary facades of non-residential buildings.

- (4) If a flat and projecting sign is to be located on the public facades of a building it must –
  - (a) be so designed as to become an integral part of the building design;
  - (b) and when advertising a third party, only be permitted if it is custom-made and the requirements of this section apply.

## **CHAPTER 8**

### **SKY SIGNS**

#### **29 Area of control where sky sign may be erected and displayed**

Subject to approval in terms of this By-law, the erection and display of a sky sign whether custom made or of standard design is only permitted in areas of minimum control.

#### **30 Requirements for sky sign**

- (1) A sky sign may not -
  - (a) exceed a maximum total size of 4.5m<sup>2</sup>; and
  - (b) obstruct the view from any other building.

(2) The size restriction referred to in subsection (1)(a) may be waived by the Municipality up to a maximum of 18m<sup>2</sup> on condition that an environmental impact assessment is submitted to the Municipality indicating no detrimental environmental impact is envisaged.

(3) A sky sign along the top edge of the roof of a cultural, historic or architecturally significant building is only permitted if it is locality bound, not illuminated and it consists of individual cut-out letters or logos.

### **31 Bit weights for sky sign**

(1) The information content of a proposed advertisement is measured in bits and the total bits in a proposed advertisement may not exceed 15.

(2) In calculating the information content of a proposed advertisement the bit weights shown in the table below must be used:

| Elements of the Advertisement |                                  | Bits per element |
|-------------------------------|----------------------------------|------------------|
| Words                         | Up to 4 letters                  | 0.5              |
|                               | 5 to 8 letters                   | 1.0              |
|                               | More than 8 letters              | 2.0              |
| Numbers                       | Up to 4 digits                   | 0.5              |
|                               | 5 to 8 digits                    | 1.0              |
|                               | More than 8 digits               | 2.0              |
| Logos, symbols and graphics   | Smaller than 9m <sup>2</sup>     | 0.5              |
|                               | Between 9 and 18 m <sup>2</sup>  | 1.0              |
|                               | Between 18 and 27 m <sup>2</sup> | 1.5              |
|                               | Larger than 27 m <sup>2</sup>    | 2.0              |

## **CHAPTER 9**

### **ROOF SIGNS**

#### **32 Area of control where roof sign may be erected and displayed**

Subject to approval in terms of this By-law, the erection and/or display of Roof signs is permitted in all urban areas of control except areas zoned for residential purposes in areas of maximum control.

#### **33 Requirements for roof sign**

(1) The total area of any roof sign affixed flush onto or painted onto a roof of a building may not exceed one -quarter of the overall area of the roof to which it is affixed or painted.

(2) When a roof sign is attached to the bottom edge of a roof or vertically midway on the roof of a building, that sign may not exceed 1m in height and its total area may not exceed 25% of the area to which it is affixed.

(3) It is permissible to affix a roof sign along the edge of a roof of a building, if that sign is composed of a single line of individual, cut-out letters, without visible bracing or support but may not be

erected along more than two edges of such roof and may not exceed 3.6m<sup>2</sup> in total area, with a maximum height of 1m.

## **CHAPTER 10**

### **SIGNS ON A VERANDAH, BALCONY, CANOPY, SUPPORTING COLUMNS, PILLARS AND POSTS**

#### **34 Area of control where sign on verandah, balcony, canopy supporting column, pillar and post may be erected and displayed**

Subject to approval in terms of this By-law, the erection and display of a sign on a verandah, balcony, canopy, supporting column, pillar and post is permitted in all areas of control.

#### **35 Requirements for sign on verandah, balcony, canopy supporting column, pillar and post**

- (1) A sign on a verandah, balcony, canopy, supporting column, pillar and post –
  - (a) when affixed flat onto or painted on a parapet wall, balustrade or railing of a verandah or balcony and beam or fascia of a verandah or balcony, may not exceed 1m in height or project above or below or beyond either end of the surface to which it is affixed, or project more than 250 mm in front of the surface to which it is affixed or project over a roadway or within 0,6m of the edge of a roadway;
  - (b) when affixed flat onto or painted on supporting columns, pillars and posts, may not extend beyond any of the extremities of such column, pillar or post.
- (2) Signs affixed flat onto non-rectangular supporting structures must be curved to fit the form of such structure.
- (3) Only one sign is allowed per column, pillar or post.
- (4) A sign suspended below the roof of a verandah, canopy or the floor of a balcony –
  - (a) may not exceed 1.8 m in length or 600 mm in height;
  - (b) must be at right angles to the building line
- (5) No sign suspended under a canopy may extend beyond the external edge of the canopy or verandah to which it is attached.
- (6) A sign on the roof of a verandah, canopy or balcony, excluding the main roof of a building, must be composed of a single line of freestanding, individual, cut-out silhouette letters without visible bracing or other visible means of support and may not be erected along more than two edges of the roof of that verandah or balcony.
- (7) No sign on a verandah, balcony, canopy, supporting column, pillar and post is allowed on or over architectural features of the building.

## **CHAPTER 11**

### **SIGNS ON BOUNDARY WALLS AND FENCES AND ON CONSTRUCTION SITE HOARDINGS**

#### **36 Area of control where sign on boundary wall and fence and on construction site hoarding may be erected and displayed**

Subject to approval in terms of this By-law, the erection and display of a sign on a boundary wall and fence is permitted only if it is a locality bound sign in an urban area of maximum, minimum or partial control.

### **37 Requirements for sign on boundary wall and fence and on construction site hoardings**

(1) In an urban area of maximum and partial control, the Municipality may approve an application to affix a locality bound sign against a boundary wall only if the sign is indented into the wall or composed of individual, non-illuminated cut-out letters or symbols fixed flat on such wall not projecting more than 50mm from the face of such wall.

(2) In areas of minimum control, the Municipality may approve -

- (a) an application to affix a locality bound sign flat onto a boundary wall only if it does not project more than 50mm from the face of such wall; and
- (b) an application to affix a locality bound flat sign with a maximum size of 0.5m<sup>2</sup> onto the permanent fence of an erf.

(3) Third party and locality bound advertising on a construction site hoarding and a fence must comply with the following conditions:

- (a) Any one sign may not exceed a vertical dimension of 3m and total area of 18m<sup>2</sup>;
- (b) it may not project more than 100mm in front of the hoarding or fence to which it is affixed;
- (c) it may not be illuminated if it is in an area of maximum and partial control;

(4) No advertising is permitted on a construction site hoarding and fence within the cone of vision of a driver of a motor vehicle at a signalised traffic intersection.

## **CHAPTER 12**

### **HEADLINE POSTERS**

### **38 Area of control where headline poster may be affixed and displayed**

Subject to approval in terms of this By-law, the attachment and display of a headline poster is permitted in all areas of control except a natural and rural area of maximum control.

### **39 Requirements for headline poster**

(1) A headline poster may not exceed 0.7m x 0.45m in area.

(2) The commercial content of a headline 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.

(3) A headline poster may only be affixed to a municipal electric light pole.

(4) A headline poster may not to be affixed to a traffic signal pole or other pole which carry a road traffic sign, a pole erected for any other purpose, or any other street furniture, wall, fence, tree, rock or other natural feature.

(5) A headline poster may not be pasted on municipal electric light pole but must be mounted on board and affixed securely with stout string or plastic ties unless the Municipality has approved a permanent frame for this purpose.



- (6) Only one headline poster may be affixed per pole and per street block regardless of the number of applicants.
- (7) A headline poster must be affixed a minimum of 2.2m above the ground level and a minimum of 2m below the light fixture.
- (8) The number of posters as well as the designated areas for the display of headline posters as submitted by each applicant must be strictly adhered to.
- (9) A headline poster advertising a special event must comply with the following:
- (a) the name of the applicant, the special event and the date of the special event must appear on the poster in letters not less than 50mm in height and
  - (b) it may not be displayed more than seven days before the date of the special event and it must be removed within 24 hours after the date of the special event shown on the poster.
- (10) A headline poster and fastenings, with the exception of a special event poster must be removed on a daily basis.
- (11) The Municipality may recover the costs of the removal of unauthorised posters and the reinstatement of the surface from which such posters were removed, from the person responsible for the display of such posters.
- (12) The Municipality must remove any poster that is displayed in contravention of the above-mentioned conditions.
- (13) Any poster not removed on a daily basis or a poster relating to a special event by due date referred to in subsection (9)(b) must be removed by the Municipality and such removal will be at the expense of the applicant, in accordance with the fee determined by the Municipality for the removal of posters.
- (14) An application for the display of a headline poster must be made on an annual basis, and in addition to the application fee, the applicant must pay a deposit against which a charge for the removal of any sign which contravenes this By-law may be levied
- (15) In the event that the deposit referred to in subsection (14) –
- (a) is exhausted, permission to display such signage is to be withdrawn by the Municipality until a further deposit is paid to the Municipality; or
  - (b) is not used or only partially used in the year for which it is paid, the applicant must be reimbursed by the Municipality.

## **CHAPTER 13**

### **ADVERTISING ON BANNERS**

#### **40 Permitted location for banner**

Subject to approval in terms of this By-law, the erection and display of a banner is only permitted in locations approved by the Municipality.

#### **41 Requirements for banner**

(1) The Municipality may only grant approval for advertising on a banner for 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 municipal, provincial or parliamentary election or referendum.

(2) Only one banner per organisation is allowed per location.

(3) A banner, other than a banner for election and referendum purposes, may be displayed for a maximum period not exceeding 14 days.

(4) The permitted size of a banner must be determined by the Municipality.

(5) A banner may not be attached so as to interfere with or constitute a danger to passing pedestrians or vehicular traffic.

(6) A banner may not to be affixed to a tree, traffic signal pole, electrical or service authority distribution box, or any other pole which carry a road traffic sign, rock, other natural feature, street furniture or other Municipal property.

(7) A locality bound banner may only be affixed to the premises concerned.

(8) Only one locality bound banner is permitted per premises.

## **CHAPTER 14**

### **POSTERS**

#### **42 Applicable area for poster**

Subject to approval in terms of this By-law, the erection and display of a poster is permitted in all areas of control except natural and rural areas of maximum control.

#### **43 Requirements for poster**

(1) No poster may be displayed unless approval has been granted by the Municipality.

(2) In addition to the application fee, an applicant must pay a deposit.

(3) A poster may be displayed for a maximum period of 14 days before the event, or such other time as is stipulated by the Municipality.

(4) A poster must be removed within three days after the date of the event and if it is not removed the Municipality must remove it and use the deposit to cover the costs of removing such posters.

(5) The display of an unauthorised poster is illegal and may must be removed by the Municipality.

(6) The display of a poster purely for commercial advertising is not permitted, provided that any poster erected or displayed by a person, for a commercial advantage, which relates to a sport, the arts, or cultural event may be permitted, despite the display of that poster being purely for commercial advertising and approval may only be granted to non-profit organisations.

(7) No poster relating to a parliamentary or municipal election, referendum or registration process may be displayed for longer than the period extending from the beginning of the date of proclamation in the *Government Gazette* of an upcoming referendum or election to the end of the fourteenth day after the date of such election or referendum.

(8) Only a registered political party contesting the election is permitted to display election posters.

- (9) No more than an aggregate of 500 posters per function or group of related functions or event may be displayed at any one time, except posters referred to in subsection (10).
- (10) A political party may display 300 posters per ward for election or referendum purposes.
- (11) If a poster is affixed to an electric light standards -
- (a) a suitable cord must be used and metal clamps or wire may not be used in any circumstances for such purposes;
  - (b) it must be affixed above the level of the red, green, yellow and black painted stripes on electricity standards indicating fire hydrants.
- (12) A poster must be affixed a minimum of 2.2m above the ground and a minimum of 2m below the light fixture.
- (13) No poster may be erected on an electric light standard within 40m of a busy or signalised intersection.
- (14) No steel or aluminium ladder may be placed against an electric light standard on which a poster is to be erected.
- (15) No poster may be affixed to a tree or power line standard, or erected on a bridge.
- (16) No paper poster may be stuck on a wall, electricity box or on an electric light standard.
- (17) A poster may not exceed 900 x 600mm in size.
- (18) The name of the organisation, the date of the function and the venue must appear on the poster in letter not less than 50mm in height.
- (19) Only one poster per organisation per occasion may be displayed on an electric light standard.
- (20) The Municipality may recover the costs of and as a result of the removal of an illegal poster, and the reinstatement of the surface from which such posters were removed, from the person responsible for the display of such poster.
- (21) The Municipality or its agent must remove any poster displayed in contravention of the abovementioned conditions.
- (22) The Municipality is absolved from all liability that may arise as a result of the erection and presence of the posters in question.
- (23) The Municipality is entitled, without giving notice to anyone, itself to remove and destroy any poster or advertisement displayed without its permission having been obtained or in contravention of any provision of this section or which has not been removed within the period specified of which constitutes in any respect a contravention of the provisions of this section and the person who displayed, any posters or advertisement or caused permitted or suffered it to be displayed must refund the Municipality the cost to be assessed and deducted by the Municipality from the deposit made, of the said removal and destruction and in addition is guilty of an offence.

## **CHAPTER 15**

### **ESTATE AGENT SIGNS**

#### **44 Area of control where estate agent sign may be erected or displayed**

(1) Subject to approval in terms of this By-law, the erection and display of estate agent signs is permitted in all areas except natural areas of maximum control.

(2) An estate agent sign may not be displayed along a scenic drive or on any bridge, public park or public open space.

#### **45 Requirements for estate agent sign**

(1) An estate agent sign may not exceed 600 mm x 450mm in size.

(2) An estate agent may apply for approval for a larger board which will be considered on the merit of the particular application.

(3) "Sold" / "For Sale" / "To let" signs must be erected flush against the fence or wall of the property failing which they may be erected not more than 1m from such boundary unless shrubs prevent this.

(4) "Sold" signs may be displayed flush against the fence or wall of the property for a maximum of three weeks only failing which they may be erected not more than 1m from such boundary unless shrubs prevent this.

(5) No Estate agent sign may obscure a road traffic sign.

(6) No Estate agent sign may be erected on a centre island.

(7) No Estate agent sign may be erected in such a way that any part of it is closer than 1.5 m from a road verge.

(8) No Estate agent sign may be erected on any tarred area of a pavement.

(9) An estate agent directional sign indicating that a house, flat or plot is on show –

(a) may be displayed only on the day of the show;

(b) must display the wording "On Show" "Show House", "Show Flat" or "Show Plot" with the name of the estate agent and a directional arrow;

(c) may be displayed along main routes only, being the shortest route from a main road to the property;

(10) Only one directional sign per show house, show flat or show plot may be displayed along any proclaimed main road.

(11) Not more than two estate agent directional signs is permitted in total per show house, show plot or block of flats in which a show flat is on display.

(12) The period of validity of an approval for the display of an estate agent sign is one year calculated from the date of approval.

(13) In addition to the application fee, the applicant must pay a deposit against which a charge for the removal of any sign which contravenes this By-law will be levied and in the event of the deposit being exhausted, permission to display such sign will be withdrawn until a further deposit is paid to the Municipality.

(14) Any estate agent sign unlawfully erected, or in contravention of the provisions of this Chapter is subject to a charge by the Municipality.

(15) The Municipality may remove any estate agent sign unlawfully erected.

## **CHAPTER 16**

## **LOOSE PORTABLE SIGNS**

### **46 Prohibition on loose portable sign**

- (1) In terms of this By-law, the erection and display of a loose portable sign on a public walkway, public space or pavement is prohibited.
- (2) A loose portable sign includes a sandwich board, rotating or spinning board, flag or similar fabric sign.

## **CHAPTER 17**

### **AERIAL SIGNS**

### **47 Applicable area for aerial sign including balloon and kite**

Subject to approval in terms of this By-law, the erection and display of an aerial sign is permitted only in urban areas of partial or minimum control.

### **48 Requirements for aerial sign**

- (1) An aerial sign affixed to any building or structure may not be flown at a height of more than 45m from the surface measured from ground level.
- (2) The Municipality may not approve the display of an aerial sign –
  - (a) unless approval has been granted by the Civil Aviation Authority, if required;
  - (b) unless the applicant indemnifies the Municipality.
- (3) A balloon or any other aerial sign must be located at least 100m away from any arterial route or 500m away from any airfield flight path.
- (4) An aerial sign must –
  - (a) not be flown above a public road;
  - (b) be affixed with two anchor ropes;
  - (c) incorporated metal strips in the body so that it will be visible on radar;
  - (d) be flown during daylight hours only;
  - (e) be temporary of nature; and
  - (f) erected for periods not exceeding one week.

## **CHAPTER 18**

### **TRANSIT ADVERTISING SIGNS**

### **49 Area of control where transit advertising sign may be erected and displayed**

Subject to approval in terms of this By-law, the erection and display of transit advertising signs is permitted only in urban areas of partial or minimum control.

## **50 Requirements for transit advertising sign**

(1) The parking of a transit advertising sign which is visible from a public road or a public place for the purpose of third-party advertising is prohibited.

(2) A transit advertising sign parked on private property for the purposes of storage must be positioned in such a manner as not to be visible from a street or public place.

(3) The advertising panel or portion of the vehicle used for transit advertising must not exceed a cumulative total of 18m<sup>2</sup> in an area of partial control, which size may be increased to a maximum size of 36m<sup>2</sup> in an area of minimum control.

(4) Notwithstanding any provisions of this By-law, the Municipality may without prior notice carry out the removal of any unauthorized transit advertising sign from Municipal property, and, in the case of unauthorized transit advertising on private property, the Municipality may serve a notice calling for removal in terms of this By-law.

## **CHAPTER 19**

### **SIGNS ON MUNICIPAL LAND AND BUILDINGS**

#### **51 Sign land or building owned by Municipality**

Other than as is set out in this Chapter, no sign other than a locality bound sign, temporary sign, estate agent sign, newspaper headline poster and poster may be erected on land owned by the Municipality.

#### **52 Commercially sponsored sign**

Notwithstanding the area of control within which it is proposed to erect a commercially sponsored sign on municipal land, and subject to compliance with all other provisions of this By-law, the Municipality may consider a commercially sponsored sign for approval, subject to the following:

- (a) Public or community needs or goals shall be identified by the Municipality and/or adopted by it and if such needs can be addressed either entirely or in part by the granting of concessions to particular persons for the erection of commercially sponsored signs, the Municipality shall be entitled to call for proposals or counter proposals for such public or community needs or goals and the related advertising opportunities.
- (b) in order to identify such public or community needs or goals, the relevant Municipal department and other interested authorities will be consulted prior to proposals being invited, so as to establish conditions, criteria and constraints in respect of such advertising.
- (c) the procurement regime of the Municipality will be applied and the extent of involvement of previous disadvantaged persons, small businesses, job creation and empowerment will be considered in any proposal.
- (d) any proposal will be evaluated based on the requirements of the By-law and *inter alia* on the best public or community benefit offered, the design contribution, the creativity and public safety and the adherence to the principals and/or stipulations in the By-law as opposed to the largest

advertising opportunity and/or financial gain. In addition, the permanence of the contribution to the public or community goal or need will be taken into account, as will the recovery cost over the period of the erection of the sign.

- (e) the relevant municipal departments shall jointly evaluate the proposal and approval will be given when such evaluation process is complete.
- (f) the Municipality, as landowner, reserves the right not to proceed with any proposal prior to final approval thereof and the call for invitations for proposals in any respect shall not be regarded as decision by the Municipality to proceed with the erection of a sign in respect of a specific site.
- (g) once accepted, any sign to be erected in terms of this schedule must be the subject matter of a written agreement between the Municipality as landowner and the person responsible for the erection of the sign which agreement will contain the rights and obligations of both parties but which will not derogate from any of the obligations on either party in terms of this By-law. No sign may be erected or displayed in terms of this schedule until such agreement has been concluded and signed.

### **53 Sponsored sign**

Notwithstanding the area of control within which it is proposed to erect such a sign on Municipal owned land and subject to compliance with all other provisions of the By-law, the Municipality may consider a sponsored sign for approval on condition that:

- (a) In the application to be submitted in terms of Chapter 2 of this By-law, written details are delivered clearly indicating the recognized public or community goal which will be promoted by the erection and/or display of the proposed sign;
- (b) no sign with a political content is permitted;
- (c) no more than 5% of the total surface of the sign is used for third party advertising;
- (d) the maximum size of any such sign is 6m x 3m provided in the event of a V-shaped sign being proposed, its maximum size will not exceed two panels of 6m x 3m each;
- (e) an application for a billboard to be erected in terms of this section must comply with the requirements as set out in Chapter 4.
- (f) No sign erected in terms of this section may be located within 5m of a property's boundary lines.

### **54 Non-profit signs**

Notwithstanding the area of control within which it is proposed to erect a sign, and subject to compliance with all other provisions of this By-law, the Municipality may consider the erection of a sign by or for the benefit of a non-profit body subject to compliance with the requirements set out in Chapter 20.

## **CHAPTER 20**

### **SIGNS ERECTED BY OR FOR THE BENEFIT OF NON-PROFIT BODIES**

#### **55 Requirements for sign by or for benefit of non-profit body**

(1) Notwithstanding the area of control within which it is proposed to erect a sign by or for the benefit of a non-profit body, and subject to compliance with all other provisions of this By-law, the Municipality may consider such a sign for approval subject to the following:

- (a) In the application to be submitted in terms of Section 2 of this By-law, written details from the host non-profit body regarding the nature and extent of the support to be received from the erection or display of the sign must be delivered to the Municipality together with the other information set out in Section 2 of the By-law.
- (b) The extent of involvement of previous disadvantaged communities, small businesses, job creation and empowerment will be considered in any proposal.
- (c) Any proposal will be evaluated based on the requirements of the By-law and the public or community goal benefit which is being met, the design contribution, the creativity and public safety and the adherence to the principals and/or stipulations in the By-law as opposed to the largest advertising opportunity and/or financial gain. In addition, the permanence of the contribution to the goal of the non-profit body will be taken into account.
- (d) In the event of it being proposed that the said sign will be erected on municipal land;
  - (i) the relevant municipal departments shall jointly evaluate the proposal and approval will be given when such evaluation process is complete.
  - (ii) The Municipality as landowner reserves the right not to proceed with any proposal prior to final approval thereof;
  - (iii) If accepted, any such sign to be erected in terms of this Schedule, on municipal land must be the subject of a written agreement between the Municipality, the person responsible for the erection of the sign and the non-profit body which agreement contains the rights and obligations of all parties but which will not derogate from any of the obligations on any party in terms of this By-law. No such sign may be erected until such an agreement has been concluded and a copy delivered to the Director of Development Planning.

(2) In addition the following conditions will apply:

- (a) Signs with a political content will not be permitted.
- (b) The maximum size of any such sign is 6m x 3m provided in the event of a V-shaped sign being proposed, its maximum size will not exceed two panels of 6m x 3m each.
- (c) Applications for billboards to be erected in terms of this section must comply with the requirements as set out in Schedule 2.
- (d) No sign erected in terms of this clause shall be located within 5m of a property's boundary lines.
- (e) The name of the non-profit body must be displayed prominently along the top width of the sign with a maximum 300mm lettering height.
- (f) A public participation process has been held with all parties to be affected by the erection and/or display of such sign.
- (g) The Municipality may require submission of an environmental impact assessment and/or traffic impact assessment and/or heritage impact assessment in accordance with its guidelines thereon.



- (h) No more than two individual signs of 6m x 3m each shall be permitted, or alternatively one V-shaped sign with a maximum size of two panels of 6m x 3m each on any one property. In addition, only one sign per street frontage will be permitted.

## **CHAPTER 20**

### **SIGNS ON BRIDGES, TOWERS, TELECOMMUNICATION MASTS OR PYLONS**

#### **56 Prohibition on sign on bridge, tower, telecommunication mast or pylon**

In terms of this By-law, the erection and or display of a sign, including a banner, on a bridge, tower, telecommunication mast or pylon is prohibited.

## **CHAPTER 21**

### **PERMANENT LAMP POST POSTERS**

#### **57 Area where permanent lamp post poster may be erected and display**

Subject to approval in terms of this By-law, the erection and display of permanent lamp post posters is permitted only in areas approved by the Municipality.

#### **58 Requirements for permanent lamp post poster**

- (1) A permanent lamp post sign -
  - (a) may only be affixed only to the electric lights standards;
  - (b) may not exceed 900mm x 600mm in size;
  - (c) may only be erected at an interval of two electric lights standards and only one poster may be displayed per such standard;
  - (d) a poster must be affixed a minimum of 2.4m above ground level and a minimum of 2m below the light fixture;
  - (e) may not be illuminated;
- (2) No steel or aluminium ladders may be placed against standards when erecting a poster.
- (3) The Municipality must use its supply chain process for the placement of permanent lamp posts posters.

## **CHAPTER 22**

### **ILLUMINATED STREET SIGNS**

#### **59 Requirements for illuminated street signs**

- (1) An illuminated street name and advertising sign may only be erected at an intersection with a maximum of two illuminated signs per intersection at opposite corners thereof.
- (2) The advertising section of an illuminated street name and advertising sign may not exceed 1,033m x 1,585m.
- (3) The street name section on an illuminated street name and advertising sign –

- (a) must be below the advertising section but not lower than 300mm from the advertising section;
  - (b) the street name must be black letters on a yellow background;
  - (c) the street name letters shall be in standard capital letters
- (4) The total height of an illuminated street name and advertising sign may not exceed 5m.
- (5) The degree of intensity of both parts of an illuminated street name and advertising sign must be equal.
- (6) An illuminated street name and advertising sign the letters and numbers on may not be smaller than 100mm high.
- (7) An illuminated street name and advertising sign may not flash.
- (8) An illuminated street name and advertising sign may not bear an illustration but may bear a logo and an arrow indicating of an undertaking in the adjoining side street but not in the direction of the main road but distance may not be indicated.
- (9) A maximum of five words in three rows plus a logo are permitted, however a telephone number or distance is not permitted.
- (10) The Municipality must use its supply chain process for the placement of illuminated street name and advertising signs.

## **CHAPTER 23**

### **ADVERTISING BOARDS AT SCHOOLS, SPORTS CLUBS AND INSTITUTIONS IN RESIDENTIAL AREAS**

#### **60 Advertising board at school, sports club and institution in residential area**

Subject to approval in terms of this By-law, the erection and display of an advertising board at a school, sports club and an institution in a residential area is permitted

#### **61 Requirements for advertising board at school, sports club and institution in residential area**

- (1) Not more than 10 advertising boards with a maximum size of 2.5m x 1.25m may be erected at a school, sports club and an institution.
- (2) An advertising board must be at least 5m inside the boundary adjoining a proclaimed main road.
- (3) Where more than one advertising board is erected and displayed, the advertising board must be of the same size, depth and height.
- (4) Written consent must be obtained from every resident in the street facing the signage.
- (5) Only one advertising board per advertiser is allowed per school, sports club and institution.

## **CHAPTER 24**

### **SIGNS ADVERTISING A PRODUCT OR SERVICE NOT AVAILABLE ON A PROPERTY**

#### **62 Prohibition on sign advertising product or service not available on property**

Except in the case of a sports club, school and institution, in terms of this By-law the erection and display of an advertising sign that advertises a product or service not available during normal working hours on a property is prohibited.

## **CHAPTER 25**

### **SUBURBAN ADVERTISING SIGNS**

#### **63 Area of control where suburban advertising sign may be erected and display**

Subject to approval in terms of this By-law, the erection and display of suburban advertising signs is permitted only in urban areas of maximum, partial and minimum control.

#### **64 Requirements for suburban advertising sign**

(1) A suburban advertising sign must be rectangular, 400mm high and equal to the length of the suburb name sign and must be smaller and less conspicuous than the suburb name sign.

(2) A suburban advertising sign is permitted within the road reserve of a proclaimed main road other than a freeway.

(3) No colours that may, in the opinion of the road authority, cause confusion with road traffic signs, must be used.

(4) The principal area (background) of a suburban advertising sign must not be reflective or fluorescent.

(5) No illumination or animation is permitted on a suburban advertising sign.

(6) The Municipality must use its supply chain process for the placement of suburban advertising signs.

## **CHAPTER 26**

### **LITTER BIN ADVERTISING SIGNS**

#### **65 Area of control where litter bin advertising sign may be erected and displayed**

Subject to approval in terms of this By-law, the erection and display of a litter bin and litter bin advertising sign is permitted only in an urban area of maximum, partial and minimum control but may not be displayed in a residential area.

#### **66 Requirements for suburban advertising sign**

(1) A litter bins must have a nominal capacity of 100 litres.

(2) A litter bin must be manufactured from low density polyethylene, or other suitable material and the material must contain a UV stabilising agent that approves its resistance to deterioration when exposed to sunlight.

(3) The construction of a litter bin must be such that it comprises of an inner and outer skin, both of which are smooth and non-porous.

(4) The top of a litter bin must be open, with provision of a rim for refuse bag to be pulled over.

(5) The base of a litter bin must be of such a design that it ensures a firm footing for the bin and is to be filled with concrete or any suitable material which will prevent it from blowing over on windy days.

(6) A litter bin may not be used or positioned for the primary or sole purpose of advertising.

(7) A litter bin may not be placed in such a way as to obstruct any pedestrian movement.

(8) Litter bins may not be less than 100 metres apart.

(9) A litter bin may not be positioned on a street corner.

(10) A litter bin advertising sign must be directed to pedestrians and not to vehicular traffic.

(11) The Municipality must use its supply chain process for the placement of litter bins and litter bins advertising signs.

## **CHAPTER 27**

### **SIGNS EXEMPTED FROM THIS BY-LAW**

#### **67 Signs for which no approval is required**

(1) No approval is required for the erection or display of a sign contemplated in this Chapter, provided that such sign must comply with the conditions required for it in terms of this Chapter.

(2) If a sign contemplated in this Chapter does not comply with the relevant conditions, an application for approval of such sign must be submitted as contemplated in Chapter 2.

#### **68 Development board**

(1) A development board must be removed immediately when the building operations are complete or if the building operations are discontinued or when the provisions of the services, the doing of the work, or the supply of the goods to which the sign relates has ceased.

(2) The Municipality may order the removal of any such sign if the building operations have been substantially completed or discontinued or an occupancy certificate has been issued by the Municipality, or the provision of the services, the doing of the work or the supply of the goods to which it relates, has for all practical purposes ceased, and such sign must thereupon be forthwith removed but no later than five days after the date of the order for removal thereof.

(3) If the premises on which building operations are in progress, are to be used wholly for residential purposes, only one development board may be displayed and such development board may not exceed three m<sup>2</sup> in total area.

(4) If the premises are not to be used wholly for residential purposes, no more than two development boards may be displayed and the aggregate area of both development boards may not exceed five m<sup>2</sup> in total area.

(5) If the sign, whether on a freestanding board, or flexible building covering material, includes any other form of third party advertising, such sign must then comply with the provisions of Chapter 10 hereto and Municipal approval for the display thereof must first be obtained in terms of this By-law.

#### **69 To let or for sale sign**

A "To Let" sign or a "For Sale" sign may not exceed 400mm x 500mm in total area displayed at existing premises or on land on which a new building is being erected and relating to accommodation being offered to rent or purchase in the building, on condition that any such sign must be removed within 60 days after the date upon which the accommodation to which it relates is capable of occupation.

#### **70 On-premises business sign**

(1) An on-premises business sign may not -

- (a) be illuminated;
  - (b) project over a public road;
  - (c) exceed 0,2 m<sup>2</sup> in total area.
- (2) An on-premises business sign may only display -
- (a) the types of trade, business, industry or profession lawfully conducted by any occupant or permanent resident of the premises to which it is attached;
  - (b) the name of such occupant;
  - (c) the address and telephone number of such premises; and
  - (d) the hours of attendance.
- (3) Only one on-premises sign per occupant may be displayed.

## **71 Window sign**

(1) A window sign is a locality bound sign which is temporarily or permanently painted on or attached to the window glass of a building used for commercial, office, industrial or entertainment purposes, or any other temporary or permanent sign which is displayed within 2m of any window or external opening through which it can be seen from the outside such a building.

- (2) In any area of maximum control, a window sign may not exceed 4.5 m<sup>2</sup>.

## **72 Sign incorporated in face of building**

(1) A sign incorporated in the face of a building is any sign that forms an integral part of the fabric of a building, but excludes a painted sign or a sign affixed in any manner onto the building.

(2) No municipal approval is required if a sign incorporated in the face of a building does not exceed 0,2 m<sup>2</sup> in total area.

## **73 Sign on sports field**

(1) A sign erected around the perimeter of a sports field, provided further that larger signs which face inwards onto the field and are not visible from any other public place, shall also be permitted.

- (2) A sign referred to in subsection (1) may be no bigger than a maximum size of 2 x 1m.

- (3) Approval for a sign on a sports field is required when that sign is visible from a scenic drive.

## **74 Security sign**

(1) A security sign is a sign indicating either that a security watch scheme is in operation or that a security company has been contracted to protect the premises on which the sign is displayed.

- (2) A security sign may not -

- (e) project over a public road; and
- (f) may not exceed 0.2 m<sup>2</sup>.

(3) Only one security sign may be displayed on any public road or each street frontage of the premises on which the sign is displayed.

(4) A security sign may only display the name, logo, address and telephone number of the security company contracted to protect the premises on which the sign is displayed.

#### **75 Sponsored, commercially sponsored and non-profit body sign less than 4.5 m<sup>2</sup>**

- (1) A sign in connection with, advertising or erected for purposes of a non-profit body may not –
- (a) exceed 4.5 m<sup>2</sup> in total area
  - (b) use more than 5% of the total surface area of the sign for third party advertising; and
  - (c) be illuminated.

(2) A sign referred to in subsection (1), may only be erected on municipal land once agreement has been concluded with the Municipality

(3) An agreement referred to in subsection (2) must contain the extent of the community or public benefit and the terms of the erection of the sign.

(4) Only one sign as contemplated in this section may be displayed per erf.

(5) All sponsored signs, other than a sign contemplated in this section, are dealt with in Chapters 18 and 19.

#### **76 Advertising on flag**

(1) An advertising flag may only be displayed on a flag pole.

(2) No more than three flag poles of 3m each in total height, is permitted on any one property on which they are displayed.

#### **77 Advertising on vehicle**

No municipal approval is required for a sign painted or affixed directly onto the body of a motor vehicle.

### **CHAPTER 28**

#### **LAW ENFORCEMENT**

#### **78 Appointment of compliance officer**

(1) The Municipality may appoint or designate a person or employee to serve as a compliance officer for purposes of compliance and enforcement monitoring of this By-law.

(2) A compliance officer shall take all lawful, necessary and practicable measures to enforce the provisions of this By-law.

(3) The Municipality shall issue each compliance officer with a written appointment stating that he or she has been appointed for purposes of this By-law or with an identification card that contains the municipal logo, department and name of the officer.

#### **79 Powers and functions of a compliance officer**

(1) A compliance officer may, subject to subsection (2) and (3), at any reasonable time, and without prior notice, enter any land property, building or premises for purposes of ensuring compliance with this By-law.

(2) An inspection of a private dwelling may only be carried out by a compliance officer at a reasonable time and after reasonable notice has been given to the owner or occupier of the land or building and after obtaining the consent of the owner or lawful occupier or person in control of the building, or with a warrant issued in terms of the Criminal Procedure Act, 1977.

(3) The compliance officer is not required to give any notice to enter land or a building, other than a private dwelling, and may conduct an inspection or take enforcement action without the consent of the owner or occupier of such land or building and without a warrant if:

- (a) he or she believes on reasonable grounds that a warrant would be issued to him or her on application; and
- (b) the delay in obtaining the warrant would defeat the object of the inspection and enforcement action.

(4) A compliance officer shall show proof of his or her written appointment or identification card contemplated in section 78(3) when required to do so by any person affected by the exercising of a power or show proof that he or she is a law enforcement officer.

(5) A compliance officer may not investigate a matter in which he or she has a direct or indirect personal interest.

(6) In ascertaining compliance with this By-law, a compliance officer may:

- (a) be accompanied by an interpreter, a police officer or any other person who may be able to assist with the inspection;
- (b) question any person who is or was on that property, who in the opinion of the compliance officer, may be able to furnish information on a matter to which this By-law relates;
- (c) question any person about any act or omission in respect of which there is a reasonable suspicion that it might constitute:
  - (i) an offence in terms of this By-law; or
  - (ii) a breach of an approval or a term or condition of such approval
- (d) question a person about any structure, object, document, book or record or inspect any written or electronic information or object which may be relevant for the purpose of investigating any matter in connection with this By-law;
- (e) examine any book, record or other written or electronic information and make a copy thereof or an extract therefrom and remove such document, book, record or written or electronic information in order to make copies or extracts;
- (f) require a person to produce or to deliver to a place specified by him or her, any document, book, record, or any written or electronic information referred to in paragraph (e) for inspection;
- (g) require from such person an explanation of any entry in such document, book, record or written or electronic information;
- (h) inspect any article, substance, plant or machinery which is or was on the property, or any work performed on the property or any condition prevalent on the property, or remove for examination or analysis any article, substance, plant or machinery or a part or sample;

- (i) seize any book, record or other document, details or any article, substance, plant or machinery or a part or sample thereof which in his or her opinion may serve as evidence at the trial of any person charged with an offence under this By-law, provided that the user of the article, substance, plant or machinery concerned, as the case may be, may make copies of such book, record or document before such seizure;
- (j) direct any person to appear before him or her at such time and place as may be determined by him or her and question such person either alone or in the presence of any other person on any matter to which this By-law relates; and
- (k) take photographs or make audio visual recordings or tape recordings of any person or anything for the purposes of his or her investigation.

(7) When a compliance officer removes or seizes any article, substance, plant or machinery, book, record or other document as contemplated above, he or she shall issue a receipt to the owner or person in control thereof and return it as soon as practicable after achieving the purpose for which it was removed or seized.

(8) Where a compliance officer enters any land in terms of subsection (1), a person who controls or manages the land shall at all times provide such facilities as are reasonably required by the compliance officer to enable him or her to perform his or her functions effectively and safely under this By-law.

(9) A compliance officer who enters and searches any property or private dwelling under this section, shall conduct such search with strict regard for decency and order and with regard for each person's right to dignity, freedom, security and privacy.

## **80 Offences and penalties**

- (1) A person shall be guilty of an offence if such person
  - (a) fails to comply with a decision taken or condition imposed by the Municipality in terms of this By-law.
  - (a) wilfully and with intent provides false or misleading information in connection with an application contemplated in this By-law;
  - (b) unlawfully prevents a compliance officer entry to his or her premises or causes or permits any other person to prevent entry;
  - (c) obstructs or hinders a compliance officer in the performance of his or her duties or causes or permits any other person to so obstruct or hinder the compliance person;
  - (d) refuses or fails to provide to a compliance officer such information as is required to allow a compliance officer to perform a function in terms of this By-law;
  - (e) furnishes false or misleading information to an official of the Municipality when called upon to furnish information;
  - (f) impersonates a compliance officer;
  - (g) contravenes or fails to comply with any provision of this By-law;
  - (h) supplies particulars, information or answers in an application or on knowing it to be false, incorrect or misleading; or



- (i) undertakes or proceeds with the installation or display of a sign in conflict with the provisions of this By-law.

(2) Any person convicted of an offence in terms of this By-law, shall be liable upon conviction to a fine or imprisonment or to both such fine and imprisonment.

(3) A person convicted of an offence under this By-law who, after conviction, continues with the conduct in respect of which he or she was so convicted, is guilty of a continuing offence and upon conviction is liable to a fine or to imprisonment, or to both such fine and imprisonment, in respect of each day on which he or she so continues with that conduct.

## **81 Prosecution of corporate body and partnership**

A partner in a partnership, a member of the board, executive committee or other managing body or a corporate body is personally guilty of an offence contemplated in terms of this By-law if such offence was committed by:

- (a) a corporate body established in terms of any law; or
- (b) a partnership; and

such person failed to take reasonable steps to prevent the offence.

## **CHAPTER 29**

### **GENERAL MATTERS**

## **82 Appeals**

Any person may appeal against any decision taken under this By-Law by giving written notice of the appeal in accordance with the provisions of section 62 of the Municipal Systems Act, 2000.

## **83 Repeal of by-laws**

The By-Laws Relating to Advertising Signs and the Disfigurement of the Front or Frontages of Streets published by in the *Provincial Gazette* by Notice Number 183 of 2005 is hereby repealed.

## **84 Transitional provisions**

(1) This By-law shall not, from the date of commencement hereof, apply to any sign lawfully in existence at that date, if such sign is continuously displayed without alteration, re-erection or reconstruction and if at all times it complies with this By-law and is maintained in a proper and safe condition.

(2) All other signs must be removed or made to comply with this By-law within a period of twelve months from date of promulgation hereof, unless more immediate removal or amendment is required by written notification of the Municipality.

## **85 Exemptions**

(1) The Municipality may, on application –

- (a) exempt the applicant from compliance with one or all of the provisions of this By-law

- (b) exempt the applicant in respect of the sign types or areas of control set out in Chapters 13, 14 and 15 hereto having regard to –
  - (i) the area of control where it is proposed to display the sign/s;
  - (ii) nature of the event;
  - (iii) duration of the erection or display of the sign;
  - (iv) size of the proposed sign;
  - (v) any traffic and/or safety and/or environmental or heritage impact assessment;
  - (vi) the outcome of any public participation process;
- (c) substitute alternative requirements for the placement of signs; or
- (d) withdraw an exemption granted in terms of paragraph (a).

(2) The exemption or withdrawal of exemption contemplated in subsection (1) may be made subject to such conditions as the Municipality considers appropriate.

## **86 Indemnification**

Any approval granted by the Municipality is subject to the condition that the applicant indemnifies the Municipality against any consequences flowing from the erection, display or alteration of an existing approved sign or the mere presence of such sign.

## **87 Short title and commencement**

This By-law shall be known as the Senqu Municipality: Outdoor Advertising and Signage By-law, 2017 and shall come into operation on the date of publication thereof in the *Provincial Gazette*.