

# **ELUNDINI LOCAL MUNICIPALITY**

## **OUTDOOR ADVERTISING BY-LAWS**

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## CHAPTER 1

### INTERPRETATION AND APPLICATION

#### Definitions

1. In these By-laws, unless the context otherwise indicates –

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

**“advertising sign”** means a screen, fence, wall or any other object, structure or device, freestanding or attached to any wall or structure, in a fixed position intended to be used or used for the purpose of displaying any advertisement and any object, structure or device which is in itself an advertisement, in or in view of a public place and includes an advertising hoarding and billboard and in so far as any provision of these By-laws relating to an advertising sign is practically capable of being applied to an advertisement, includes an advertisement other than an advertisement displayed on an advertising sign and a poster;

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

**“advertise”** has a corresponding meaning;

**“approved”** means approved in writing by the Council and **“written approval”** has a corresponding meaning;

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

**“area of maximum control”** means an area in which maximum control of outdoor advertising is applied as contemplated in Schedule 1;

**“area of minimum control”** means an area in which minimum control of outdoor advertising is applied as contemplated in Schedule 1;

**“area of partial control”** means an area in which partial control of outdoor advertising is applied as contemplated in Schedule 1;

**“authorised official”** means any official of the Council who has been authorised by the Council to implement and enforce the provisions of these By-laws;

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

**“blimp”** means a gas-inflated balloon or other object, including any such object capable of carrying passengers, which is attached or anchored to the ground upon which an advertisement is displayed;

**“building line”** means a building line determined under an applicable town planning scheme or any other law or document that has the force of law;

**“building schedule”** means a development programme for the construction or renovation of a building or structure specifying the different phases of the development or renovation and the type of construction prepared by a person undertaking the activities concerned;

**“Bus Rapid Transit system”** means the Rea Vaya public transport system as approved by Council;

**“clear height”** means the vertical distance between the lowest edge of an advertising sign and the level of the ground, footway or roadway immediately below such sign;

**“combination sign”** means a single freestanding structure specially designed to accommodate and display more than one advertising sign for a location such as a roadside service area, shopping centre, office park, industrial park and other urban complexes;

**“construction site”** means a property or portion of a property on which any building or structure is being, constructed after building plans have been approved in terms of the National Building Regulations and Building Standards Act, or provisional authorisation has been granted in terms of Section 7(6) of that Act, or a property or portion of a property on which any building or portion of a building is to be demolished after a demolition permit has been issued in terms of the said Act;

**“Council “** means –

- (a) The Elundini Local Municipality established by in terms of section 12 of the Local Government: Municipal Structures Act No 117 of 1998as amended,

exercising its legislative and executive authority through its municipal council; or

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

**“directional sign”** means an advertising sign indicating or directing the attention of the public to a place, undertaking or activity for the purpose of advertising it;

**“display”** means the display of an advertisement and **“displayed”** has a corresponding meaning;

**“dwelling house”** means one dwelling unit forming a single building;

**“dwelling unit”** means an interconnected suite of rooms designed for occupation by a single family, irrespective of whether the dwelling unit is a single building or forms part of a building containing two or more dwelling units;

**“election”** means a national, provincial or local government election, any by-election and a referendum held in terms of any law;

**“electronic advertising sign”** means an advertising sign, which has an electronically or digitally controlled, or both an electronically and digitally controlled, illuminated display surface, which allows for different advertisements to be shown, changed, animated or illuminated in different ways and at different intervals on one such sign;

**“engineer”** means a person registered with the Engineering Council of South Africa as a professional engineer or professional engineering technologist, professional certified engineer or professional engineering technician under the Engineering Profession Act, 2000, (Act No. 46 of 2000);

**“event”** means an occasion organised for the general public;

**“façade”** means the principal front of a building;

**“flag”** means a piece of cloth or similar material upon which an advertisement is displayed and which is attached to a single rope, pole or flagstaff projecting vertically in such a way that its contents are normally not legible in windless conditions but excludes –

- (a) a national flag which does not carry any advertisement in addition to the design of the flag or flagstaff;
- (b) a flag carried as part of a procession; and
- (c) a flag which is not displayed on a flagstaff.

**“gantry”** means a freestanding advertising sign that extends over, or suspends across a public street erected for the sole purpose of displaying an advertisement

**“interested party”** means any person who has in terms of these By-laws submitted an application or submitted comments or an objection or made representations in respect of any such application;

**“intersection”** means that area embraced within the prolongation of the lateral boundary lines of two or more public streets, open to vehicular traffic, that join one another at any angle, whether or not one such public road crosses the other;

**“Municipal Systems Act”** means the Local Government: Municipal Systems Act, 2000 (Act, No. 32 of 2000) and any regulations made thereunder;

**“National Building Regulations and Building Standards Act”** means the National Building Regulations and Building Standards Act, 1977, (Act No. 103 of 1977), and any regulations made there under;

**“National Environmental Management Act”** means the National Environmental Management Act, 1998 (Act No. 107 of 1998) and any regulations made there under;

**“National Road Traffic Act”** means the National Road Traffic Act, 1996 (Act No. 93 of 1996), and any regulations made there under;

**“on-premises advertising sign”** means an advertising sign located on-

- (a) a property other than a public place; or
- (b) a public street and adjacent to a property contemplated in paragraph
- (c) on which sign an advertisement is displayed, advertising any business, industry, service, activity or attraction taking place or provided on that property and **“on-premises advertising”** has a corresponding meaning;

**“outdoor advertising “** means the display of any advertisement in or in view of any public place, Provincial or National Road within the jurisdiction of the City;

**“owner”** means, in relation to –

- (a) property, the person registered as the owner or holder thereof and includes the trustee in an insolvent estate, the liquidator of a company or a close corporation which is an owner and the executor of any owner who has died or the representative recognised by law of any owner who is a minor or of unsound mind or is otherwise under disability, provided such trustee, liquidator, executor or legal representative is acting within the authority conferred on him or her by law; and
- (b) an advertising sign or advertisement, the person who owns such sign or advertisement and any person who has a right to, or share in, the ownership of such sign or advertisement;

**“poster”** means any placard displaying an advertisement attracting public attention to any event or activity for which a poster may be approved as contemplated in section 27(1);

**“prescribed”** means prescribed by the Council;

**“projected sign”** means an advertisement projected by a cinematograph or other apparatus onto any surface, but does not include an advertisement projected onto the audience’s side of a drive-in cinema screen during a performance;

**“projecting sign”** means an advertising sign, whether stationary or actuated, attached to and protruding from a building which is used for commercial business, offices, industrial or entertainment purposes and which projects more than 300mm from the surface of the wall to which it is attached;

**“property”** means any unit of land, including a public place, registered as a separate entity of land in the Deeds Office and includes any unit and land contemplated in the Sectional Titles Act, 1986 (Act No. 95 of 1986) and any public place depicted on the general plan of a township;

**“public place”** means a public street, bridge, subway, a square, open space, garden and any other enclosed space to which the public has a right of access or which is commonly used by the public and which is vested in the Council in terms of any law;

**“public street”** means a road, street or thoroughfare or other right of way to which the public has a right of access or which is commonly used by the public and includes any portion of a public street between the edge of the roadway and the boundary of the land reserved for such public street, including a sidewalk;

**“residential building”** means a building, other than a dwelling house and dwelling unit, designed for use or used for human habitation and includes a guest house, boarding house, hotel, residential club and hostel;

**“road island”** means an area demarcated on a roadway by means of painted lines, stones, kerbs or other means, with the intention of preventing vehicles from standing or being operated in that area;

**“roadway”** means that portion of a public street which is improved, constructed or intended for vehicular traffic;

**“road reserve”** means the full width of a public street including the roadway, shoulder and sidewalk and the air space above a roadway, shoulder and sidewalk and any other area within the road reserve boundary;

**“road traffic sign”** means any road traffic sign and traffic signal as contemplated in the National Road Traffic Act ;



**“scaffolding”** means a system of interlocking poles and bars used to provide support or access, or both, to a site for construction purposes as regulated by the South African Bureau of Standards code of practice 085, entitled The Design, Erection, Use and Inspection of Access Scaffolding;

**“scrolling advertising sign”** means an advertising sign which by mechanical means allows the rotation or changing of advertising faces to display different advertisements on one such sign;

**“sky sign”** means any advertising sign erected or placed on or above any roof, parapet wall or the eaves of a building, but does not include an advertisement painted on a roof of a building;

**“storey”** means the space within a building, which is situated between one floor level and the next floor level above, or if there are no clearly defined storeys, a height of 4,5m;

**“street furniture advertisement”** means an advertisement displayed on any public facility or structure which is not primarily intended for advertising and includes a seating bench, plant box, sidewalk litter bin, pole-mounted litter bin, public transport shelter, sidewalk clock, suburban name sign and a street name and drinking fountain;

**“streetscape”** means the visual product of all the features within and adjacent to a public street such as street furniture, signage and landscaping;

**“third-party advertising sign”** means an advertising sign located on a property upon which sign one or more advertisements are displayed which are not descriptive of any business, industry, service, activity or attraction situated, taking place or provided on that property and **“third party advertising”** has a corresponding meaning;

**“transit advertising sign”** means a vehicle or trailer designed or adapted for advertising purposes and mainly used for such purposes;

**“urban design”** means the actions of conceiving and managing the special and aesthetic characteristics of urban space between and around buildings including physical elements that make up the streetscape and the combined visual effect of building facades and other structures; and

**“voter registration”** means voter registration conducted by the Independent Electoral Commission established in terms of section 4 of the Independent Electoral Commission Act, 1993 (Act No. 15 of 1003), for the purpose of any election;



### **Application of and responsibility for complying with By-laws**

- 2.1 These By-laws apply to all outdoor advertising in the area and jurisdiction of the Council;
- 2.2 Approval for outdoor advertising in terms of these By-laws is required irrespective of the zoning of any property in terms of any applicable town-planning scheme and irrespective of the provisions of any other law;
- 2.3 The owner of an advertising sign and any person who has applied for approval of an advertising sign in terms of these By-laws must comply with any provision of these By-laws relating to that sign and must ensure that such provisions are complied with, subject to anything to the contrary contained in such provision.

## **CHAPTER 2**

### **APPLICATIONS AND APPROVALS**

#### **3. Approval of advertising signs**

- (1) No person may erect any advertising sign or use or continue to use any advertising sign or any structure or device as an advertising sign without the prior written approval of the Council: Provided that the provisions of this subsection do not apply to any advertising sign exempted in terms of Section 8.
- (2) No advertising sign erected and displayed with approval contemplated in subsection (1) or any by-law repealed by section 39, may in any way be altered, removed, re-erected or upgraded, other than for maintenance work which may be required for the upkeep of an advertising sign, without prior written approval of the Council and subject to such conditions and requirements as the Council may consider appropriate which may include the submission of proof of compliance with section 32.

- (3) An application for approval in terms of subsection (1) must be made by submitting a duly completed application on a prescribed form which must be accompanied by –
- (a) the prescribed fee;
  - (b) the written consent of the owner of the proposed advertising sign and of the registered owner of the property or building upon which the advertising sign is to be erected or on behalf of the owner of the property or building by his or her agent duly authorised in writing by such owner;
  - (c) a locality plan, in colour, indicating the proposed position of the advertising sign within the area of jurisdiction of the Council ;
  - (d) a block plan of the property upon which an advertising sign is to be erected, drawn to scale acceptable to Council, showing every building, building line and servitude on the site and the position with dimensions of the advertising sign in relation to the two boundaries of the property closest to the proposed advertising sign and the location of any public street and any building on a property adjacent to the property upon which such sign is to be erected;
  - (e) an artistic impression showing all the detail and measurements of the proposed advertising sign including all relevant construction details and elevations;
  - (f) a drawing showing the proposed advertising sign and the distances in relation to any other 3rd party or free-standing advertising sign situated within a radius of 200m from the proposed advertising sign on the same side of the road ;
  - (g) a diagram showing that the proposed position of the advertising sign is in conformity with figure 1 of Schedule 2, if applicable;
  - (h) a copy of the title deed of the property upon which the proposed advertising sign is to be erected, if applicable;
  - (i) a zoning certificate of the property concerned issued under an applicable town planning scheme and a zoning map indicating the land uses in terms of such scheme of every property adjacent to the property upon which the advertising sign is to be erected;
  - (j) a diagram of the property prepared by a land surveyor indicating the position of the proposed advertising sign with measurements from

- that position to the closest two boundaries of the property concerned;
- (k) proof of compliance with any other law, including but not limited to, the National Road Traffic Act, the National Building Regulations and Building Standards Act, and the National Environmental Management Act, to the extent that such law is applicable in respect of the application concerned;
  - (l) proof of submission of an application for a building line relaxation in terms of any law, if applicable;
  - (m) if a proposed advertising sign is to be attached to, or displayed on, the façade of a building, the approved building plans of that building showing an elevation and measurements of the building, and the details, measurements and position of the proposed advertising sign and the details and the position of every existing advertising sign on the building drawn to a scale acceptable to the Council;
  - (n) if a proposed advertising sign is to be displayed on a boundary fence or hoarding enclosing any portion, or the whole of a construction site as contemplated in regulation F1 to the National Building Regulations and Building Standards Act, the approved building plans of the proposed building showing the details, measurements and position of the proposed advertising sign drawn to a scale acceptable to Council, or proof that a section 7(6) has been granted, or proof that a demolition permit has been issued under the same Act, whichever is applicable;
  - (o) a certificate by an engineer confirming the structural safety of the proposed advertising sign and its foundations, if applicable; and
  - (p) any other written information which the Council may in writing require.
- (4) The Council may at its sole discretion exempt an applicant from complying with any of the above requirements.
  - (5) Every plan and drawing required in terms of subsection (3) must be on a sheet of not less than A4 size.
  - (6) The Council must refuse to accept an application if –
    - (a) any requirement of subsection (3) has not been complied with; or
    - (b) the application relates to an advertising sign which is prohibited in terms of section 9.

(7) If any information requested by the Council in terms of section (3)(p) is not provided within 90 days from the date of the first written request, or within such further period as the Council may in writing permit, the application concerned lapses without further notice.

#### **4. Consideration of applications**

(1) In considering an application in terms of section 3(3), the Council must, in addition to any other relevant factor, legislation, policy and by-laws of the Council, have due regard to the following:

- (a) The compatibility of the proposed advertising sign with the environment and with the amenity of the immediate neighbourhood, urban design and streetscape;
- (b) Whether the proposed advertising sign will –
  - (i) have a negative visual impact on any property zoned or used for residential purposes under any applicable town-planning scheme, situated within a 50m radius as specified in Schedule 1; or
  - (ii) constitute a danger to any person or property or to motorists or pedestrians or obstruct vehicular or pedestrian traffic;
  - (iii) in any way impair the visibility of any road traffic sign;
  - (iv) obscure any existing and legally erected advertising sign;
  - (v) obscure any feature which in the opinion of the Council is a natural feature, architectural feature or visual line of civic, architectural, historical or heritage significance; or
  - (vi) in the Council's opinion, be unsightly or objectionable or detrimentally impact on the architectural design of any building on the property concerned or any adjacent property;
- (c) the number of advertising signs displayed or to be displayed on the property concerned and on any adjacent property and its visibility in the circumstances in which it will be viewed in compliance with the minimum distances specified in section 6(2)(a);
- (d) any restrictive or other condition and any existing building line and servitude specified in a title deed, town planning scheme, conditions of establishment or any other law;

- (e) the area of control applicable to the property on which the proposed advertising sign is to be erected and the immediate surrounding area as set out in Schedule 1;
  - (f) any comments submitted by and conditions determined or prescribed by a statutory authority in terms of any legislation applicable to outdoor advertising;
  - (g) any written representations, objections and comments received from any interested party; and any conflict with provisions of these By-laws.
- (2) (a) The Council may refuse any application in terms of section 3(3) or approve it, subject to any amendment or condition it considers appropriate.
- (b) Any approval in terms of paragraph (a) may be for a period not exceeding –
- (i) 9 years and eleven months if the advertising sign concerned is to be located on any property other than a public place; or 5 years if the advertising sign concerned is to be located on any public place.
- (c) The period of approval contemplated in paragraph (b) must be specified in the approval.
- (3) The Council must within 21 days from date of a decision in terms of subsection (2), in writing, notify every interested party who has furnished his or her postal address to the Council, of its decision, and must provide written reasons for its decision on receipt of a written request as contemplated in Section 5 of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000).
- (4) The Council must for its records retain every application, plans, drawings and other documentation submitted in terms of section 3(3) for a period it considers appropriate.
- (5) No approval granted in terms of this section has the effect that –
- (a) any person is exempted from any provisions of any other law applicable to outdoor advertising; or the owner of an advertising sign is exempted from the duty to ensure that such sign is designed, erected, completed, displayed and maintained in accordance with the provisions of these By-laws and any other applicable law.

- (6) If an application in terms of section 3(3) has been refused in terms of subsection (2), no further application may be lodged in respect of the same property for a period of two years from the date of such refusal, unless motivation acceptable to the Council is submitted indicating a change of circumstances prior to a further application being lodged in terms of that section.
- (7) If an advertising sign approved in terms of subsection (2) is not erected within six months from the date of notification of such approval or within a time specified in such approval or any further period which the Council on good cause shown allows in writing, the approval lapses, whereafter a new application must be submitted in terms of section 3(3).

## **5. Withdrawal and amendment of approvals**

- (1) The Council may, after having considered any representations made in terms of subsection (2), withdraw an approval granted in terms of section 4(2) or amend any condition or impose a further condition in respect of such approval if, in the opinion of the Council, the advertising sign concerned –
- (a) is or has, as a result of a change to the nature of the environment or the amenity of the neighbourhood, streetscape or urban design existing at the time of such approval, become detrimental to the area in which it is located by reason of its size, intensity of illumination, quality of design, workmanship, material or its existence;
  - (b) constitutes, or has become, a danger to any person or property;
  - (c) is obscuring any other advertising sign, natural feature, architectural feature or visual line of civic, architectural, historical or heritage significance;
  - (d) is erected on a property where the main land-use, in an area within a 50m radius from the advertising sign concerned, has become residential in nature; or
  - (e) is or has become prohibited in terms of these By-laws or any other law;
- (2) Prior to taking any decision in terms of subsection (1) the Council must in writing notify the owner of the advertising sign concerned of its

proposed decision and that he or she may within 21 days of the receipt of the notice make written representations concerning the proposed decision.

- (3) The owner of the advertising sign concerned and, if applicable, the owner of the property concerned must forthwith be given notice in writing of any decision in terms of subsection (1).
- (4) The Council must provide written reasons for its decision on receipt of a written request as contemplated in Section 5 of the Promotion of Administrative Justice Act, 2000.

## **CHAPTER 3**

### **GENERAL REQUIREMENTS, EXEMPTIONS AND PROHIBITIONS**

#### **6. General requirements for advertising signs**

- (1) The owner of an advertising sign must ensure that such sign is designed or located so as not to –
  - (a) be detrimental to the nature of the environment, streetscape, urban design or detract from the architecture of any building on which or where such sign is to be located, by reason of abnormal size, appearance, intensity of illumination, workmanship, design or its existence;
  - (b) wholly or partially obscure any advertising sign previously erected which displays an advertisement;
  - (c) constitute a danger to any person or property;
  - (d) project outside the boundaries of the property on which it is to be erected or displayed;
  - (e) result in the removal of, or damage to, any trees in a public place without prior written authorisation of the Council;



- (f) be unsightly and not to comply with minimum distances as prescribed in subsection (2)(a) in relation to any other advertising sign;
  - (g) have a detrimental visual impact on any residential property within a 50m radius specified in Schedule 1;
  - (h) obstruct a fire escape or the means of access to or egress from a fire escape; or
  - (i) comply with the minimum clearance with regard to overhead power lines stipulated in any law.
- (2) Any advertising sign on a public street or facing a public street, including advertising signs facing a Provincial or National Road, must comply with the following requirements:
- (a) a minimum distance of 100m must be maintained between advertising signs or advertisements on the same side of a public street including any motorway, whether, Provincial or National Road, provided that the Council may require a minimum distance exceeding 100m if it considers it necessary in the interest of road safety; and
  - (b) no advertising sign may be located inside a prohibited area at any on and off-ramp of a public street and in relation to overhead road traffic signs, as depicted in Figure 1 of Schedule 2.
- (3) Any advertising sign on a public street or facing a public street, including any Provincial or National Road, controlled by road traffic signs must in addition to any other requirement in terms of these By-laws, comply with the following requirements:
- (a) No advertising sign may have red, amber or green as its main colours;
  - (b) no advertising sign may obscure or interfere with any road traffic sign;
  - (c) any advertising sign must be clear of any road traffic signs concerned and must be positioned in compliance with the following :
    - (i) No on-premises advertising sign greater than 8m<sup>2</sup> in extent shall be allowed within a 50m radius from the centre of an intersection;
    - (ii) no street furniture used for advertising or a sign containing the name of a suburb and an advertisement at an intersection may be within 5m from any road traffic sign;

- (iii) any third party advertising sign must be positioned at least 50m from the centre of an intersection; and
- (4) Traffic flow may not be impeded during the erection and maintenance of an advertising sign located in a public street, unless prior permission has been obtained and necessary precaution arranged with the Council.
- (5) No advertisement displayed on a freestanding third-party advertising sign on any property may exceed –
  - (a) in an area of partial control, 40m<sup>2</sup>; and
  - (b) in an area of minimum control, 120m<sup>2</sup>.
- (6) The height of an advertising sign may not exceed 12m with a clear height of 2,1m provided that the Council may in granting an application in terms of section 4(2), approve a height in excess of those mentioned above.

#### **7. Power cables and conduits to signs**

- (1) Every power cable and conduit containing an electrical conductor for the operation of an advertising sign must be so positioned and attached so that it is not unsightly.
- (2) No advertising sign may be connected to any electricity supply without the prior written permission of the electricity supply authority concerned and such permission must, on request by an authorised official, be presented to him or her by the owner of the advertising sign concerned.

#### **8. Exempt Advertising Signs and Advertisements**

- (1) The following advertising signs and advertisements are exempt from the provisions of these By-laws :
  - (a) An advertising sign when situated in an arcade;
  - (b) an advertising sign when advertising a current event in a cinema, theatre or other place of public entertainment, displayed in a fixture or on a building intended for such display;
  - (c) (i) an advertising sign on a property where a building, swimming pool, tennis court, paving, fencing or garden landscaping or any other structure is in the course of being constructed, erected, carried out or altered and on which the activity

- concerned is described and the name of any architect, contractor or consultant concerned in such activity is displayed and the branch of the industry or the profession involved is specified, provided—
- (aa) only one such sign, or set of signs is permitted per street frontage of a property; and
  - (ab) such sign is placed on or affixed to the building concerned or attached to the boundary wall or fence of the property on which the activity is taking place; and
  - (ac) such sign is removed within 21 days of the completion of the activities contemplated in this paragraph;
- (ii) an advertising sign contemplated in this paragraph may not exceed –
- (aa) 8m<sup>2</sup> in extent and with a maximum erected height of 6m, if the names of architects, consultants and contractors or all of them are displayed; or
  - (ab) 2m<sup>2</sup> in extent if the names of the contractor, sub-contractor, or both of them, are displayed.
- (d) in an area of maximum control as specified in Schedule 1, an advertisement consisting of one metal plate or board not exceeding 600mm x 450mm in size, displaying the name, address and telephone number of a security company contracted to protect a property and firmly affixed to the boundary wall, fence or gate on the street of the property concerned;
- (e) a single advertisement not exceeding 600mm x 450mm in size on any street boundary of a property or portion of a property on which the existence of a security service or burglar alarm system is displayed;
- (f) not exceeding 2m<sup>2</sup> in extent attached to a boundary wall or fence of a property on which the existence of a security company or protection service conducted on that property is displayed;
- (g) a transit advertising sign which is mobile at all times when an advertisement is displayed;
- (h) an advertising sign containing only the name of a hotel, shop or restaurant and displayed on an awning of the building concerned; and
- (i) an on-premises advertising sign comprising—

- i. any non-illuminated advertising sign not projecting over a public street and not exceeding 8m<sup>2</sup> in extent displaying the trade, business, industry or profession conducted by any occupant or resident of the building to which such sign is attached, and the name of such occupant and resident, the address and telephone number of the occupant and resident and the hours of business; provided only one such sign per occupant or resident is displayed; and
    - ii. any advertising sign not exceeding 12m<sup>2</sup> in extent, incorporated in the face of a building and a sign forming an integral part of the fabric of a building, not on or attached to the building in any manner.
  - (j) any advertising sign which is a Council approved initiative which is deemed to be in the public, Provincial or National interest or which is a Council obligation in terms of any agreement.
- (2) The following advertising signs and advertisements are exempt from compliance with the provisions of section 3 but must comply with any other applicable provision of these By-laws :
- (a) Any advertisement not in conflict with any provision of these Bylaws displayed on an advertising sign approved in terms of section 4(2);
  - (b) any advertising sign and advertisements displayed at public transport shelters and stations forming part of the transport system routes;
  - (c) a poster relating to voter registration for the purposes of an election displayed by the Independent Electoral Commission in terms of section 28;
  - (d) a poster advising of a national, provincial government or local government event or activity, subject to compliance with section 28;
  - (e) a poster advising of an event, activity, function or meeting organized by a registered political party, subject to compliance with section 28;
  - (f) an advertising sign provided for in terms of sections 10, 11, 12, 15(1), 18, 19, 20(1) and 23, and complying with the applicable requirements of those sections;
  - (g) An advertising sign not exceeding 2 square metres indicating the existence of a Block or Neighbourhood Watch System, Community

board, displayed on a boundary wall or fence or in a position approved by the Council;

- (h) An advertising sign for hawkers once a permit has been issued in terms of the relevant by-laws which is limited to two signs per hawker and which must be removed daily at close of business of such hawker.
- (3) Any advertising sign referred to in subsection (2) which does not comply with any provision of these By-laws relating to such sign, may only be erected or displayed after approval of an application in terms of section 4(2).
- (4) Any sign which does not comply with the provisions of these By-laws and which was lawfully displayed on the day immediately preceding the date of commencement of these By-laws shall be exempt from the requirements of these By-laws if the sign in the opinion of the Council is properly maintained and is not altered, moved or re-erected as contemplated in Clause 2(2).

## **9. Prohibited signs**

- (1) In addition to any other prohibition, expressed or implied, in these By-laws, no person may erect, maintain or display any advertising sign –
- (a) painted on, attached to, or attached between the columns or posts of, a veranda;
  - (b) which projects above or below a fascia, bearer, beam or balustrade of a veranda or balcony fronting on a public street;
  - (c) which is luminous or illuminated and which is attached to a fascia, bearer, beam or balustrade of any splayed corner of a veranda or balcony fronting on a public street;
  - (d) on calico, paper machete, plastic, woven or similar material unless-
    - (i) it is an advertising sign contemplated in section 19 or 20;
    - (ii) it consists of a flexible face and forms part of an advertising sign approved in terms of section 4(2);
  - (e) which is a swinging sign, not rigidly attached to any building or structure;
  - (f) which may obscure, or be mistaken for, or interfere with the functioning of, a road traffic sign;

- (g) which may endanger the safety of motorists by restricting their vision or line of sight;
- (h) which is indecent or suggestive of indecency, prejudicial to public morals, or is insensitive to the public or any portion thereof or to any religious or cultural group;
- (i) which obstructs any window or opening in a building provided for the ventilation of that building or which obstructs any stairway or doorway or other means of exit from a building or which will prevent the movement of persons from one part of a roof of a building to another part thereof;
- (j) which is an animated or flashing advertising sign, the frequency of the animations or flashes or other intermittent alternations of which may disturb the residents or occupants of a building or is a source of nuisance to the public or detrimentally affect or pose a risk or threat to road traffic or pedestrian safety;
- (k) which is an illuminated advertising sign, the level of illumination of which disturbs the residents or occupants of a building or is a source of nuisance to the public or a portion of the public;
- (l) which is a movable either temporary or permanent advertising sign, other than those allowed in terms of these By-laws.
- (m) if the extent of the advertising sign exceeds 30m<sup>2</sup> and it is painted or fixed on a wall of a building other than a front wall of that building, unless such sign has been permitted in terms of section 14(3);
- (n) which is painted on or attached to a boundary wall or fence which wall or fence has not been approved as an advertising sign in terms of section 4(2);
- (o) which is a transit advertising sign and parked in or in view of any public place irrespective of whether it is attached to a vehicle or not;
- (p) which is attached to a road traffic sign or on a road island;
- (q) which is attached to a security access control structure to any area property or building;
- (r) which is a flag displaying a third party advertisement on a property zoned for residential purposes in terms of an applicable town planning scheme and used for such purposes ;
- (s) on a property where the main land use is residential in nature;
- (t) which is a gantry suspended across a public street; and

- (u) which is a painted third party advertising sign onto the roof of any building.

## **CHAPTER 4**

### **PROVISIONS RELATING TO SPECIFIC ADVERTISING SIGNS**

#### **10. Signs suspended under verandas or canopies**

- (1) Any advertising sign which is suspended under a veranda or a canopy, must comply with the following requirements:
  - (a) Unless otherwise permitted by an approval in terms of section 4(2), such sign must be fixed with its face at right angles to a boundary of a public street on which the property concerned fronts;
  - (b) no part of such sign may project beyond the outer edge of the veranda or canopy from which it is suspended;
  - (c) such sign must have a clear height of at least 2,75m;
  - (d) the top of such sign may not be more than 1m below the canopy or veranda from which it is suspended or more than exceed 1m in thickness;
  - (e) unless otherwise permitted by an approval in terms of section 4(2), the bottom edge of such sign when suspended must be horizontal and the supports by means of which it is suspended must be an integral part of the design of such sign.

#### **11. Signs on verandas or canopies over public streets**

- (1) Any advertising sign affixed to or onto a veranda or canopy which extends over a public street—
  - (a) must be set parallel to the building line on the property concerned;
  - (b) may not exceed 600mm in vertical dimension; and
  - (c) must be attached immediately above the eaves of a veranda or canopy roof in such a manner that it does not project beyond the



rear of the roof gutter or must be fixed against but not extending above or below the veranda parapet or balustrade in such manner that it projects more than 230mm from the outside face of such parapet or balustrade

- (2) An advertising sign on a building in which public entertainment is presented, attached to a veranda or canopy extending over a public street and which displays only the features or programmes of the entertainment to be presented in such building, may not exceed –
  - (a) an area of 1m<sup>2</sup> in the aggregate for every 1.5m or part thereof of the frontage of such building on the public street over which such sign is erected; and
  - (b) 1.2m in height.
- (3) Nothing in this section prohibits the painting of an advertisement on or the display of advertisement not exceeding 600mm in thickness on a beam over a veranda column or on a parapet of a veranda contemplated in subsection (1).

## **12. Projecting signs**

- (1) Any projecting sign must be set at right angles to the building line and must maintain a clear height of not less than 2,75m;
- (2) Subject to the provisions of subsection (3), no sign contemplated in subsection (1) may either exceed 600mm in height, 300mm in thickness nor project more than 900mm from the building to which it is attached;
- (3) A projecting sign larger than that specified in subsection (2) may be erected, subject to compliance with the following requirements :
  - (a) Such sign must be constructed of metal framing and covered with metal sheeting;
  - (b) such sign may not exceed 9m in height or project more than 1.5m from the building concerned, or in the case of a sign consisting only of the name of a building used for the public, 14m in height or project more than 1.8m from the building concerned;
  - (c) such sign must be supported by at least four iron brackets firmly fixed to the building concerned, any two of which must be capable of carrying the entire mass of the sign; and

- (d) such sign must be adequately protected from wind pressure by the use of effective braces and stays.

### **13. Pylon signs for on-premises advertising**

- (1) For the purposes of this section “pylon” includes any pylon, mast, tower or similar structure to which an advertising sign is attached, supported by or displayed on or which is constructed as an advertising sign or a combination of such signs, for the purpose of on-premises advertising;
- (2) Any pylon must be independently supported and for that purpose it must be firmly secured to an adequate foundation in the ground and be entirely self-supporting without the aid of guys, stays, brackets or any other restraining device;
- (3) The dimensions of a pylon and its associated advertising sign must be such that the entire assembly, whether stationary or actuated, can be contained within a notional vertical cylindrical figure having a diameter of 9m and a height of 12m;
- (4) No activated or protruding part of a pylon sign or of an advertising sign associated with it may be less than 2.4m above the highest point of the existing ground level immediately below that pylon;
- (5) No free standing advertising sign as contemplated in subsection (1) shall have a single advertising display exceeding 18m<sup>2</sup> and 24m<sup>2</sup> for a combination of such signs.

### **14. Advertising signs placed flat on buildings and on bridges**

- (1) The total area of an advertising sign placed flat or painted on a wall of a building may not exceed 20m<sup>2</sup> for every 15m of the frontage of the building concerned facing a public street;

- (2) (a) No on-premises advertising sign contemplated in subsection (1), may exceed 40m<sup>2</sup> in extent in an area of partial control, and 80m<sup>2</sup> in an area of minimum control.
- (b) No third party advertising sign contemplated in subsection (1) may exceed 80m<sup>2</sup> in an area of partial control, and 200m<sup>2</sup> in an area of minimum control.
- (3) Notwithstanding the provisions of subsection (2)(b), it may with an approval in terms of section 4(2) be permitted or required that the dimensions of any such sign be greater than those specified in that subsection, if-
  - (a) it is in the interests of the aesthetic appearance of a building or wall on which an advertising sign is placed as contemplated in subsection (1), and of the neighbourhood where such building or wall is situated, if the building or wall is situated in appropriate areas of minimum control;
  - (b) it is in the municipality's interest, as indicated in the Council's Spatial Development Framework, of the area of jurisdiction of the Council where an urban renewal programme on the said building or area concerned as determined by Council, is being undertaken and the approval of such sign in terms of section 4(2) is subject to an annual prescribed financial contribution to be utilised for the municipality's Renewal project.
- (4) No advertising sign attached to a bridge, irrespective of its ownership, may exceed 20m<sup>2</sup> in extent in an area of partial control, or 40m<sup>2</sup> in extent in an area of minimum control, and must have the prior written approval of the relevant authority.

## **15. Signs relating to the development of townships and properties**

- (1) An advertising sign exempted in terms of section 8(2) and relating to the development of a township or property and the disposal of property in a

township may be displayed, provided the following requirements are complied with :

- (a) If such advertising sign relates to the laying out or development of any land as a township or for the disposal of any erven in a township or a property development –
    - (i) it may not be erected prior to the land-use rights being promulgated in terms of the applicable Townships and Town-planning Ordinance or any other applicable law; and
    - (ii) may not exceed 18m<sup>2</sup> in extent or an erected height of 8m;
  - (b) such advertising sign must be located on the site of the proposed township or property development; and
  - (c) any such advertising sign must be removed within 90 days of a development being completed or in respect of a property for sale or to let, within seven days after the sale or letting concerned.
- (2) If an advertising sign contemplated in this section does not comply with subsection (1), an application for approval of such sign must be made in terms of section 3(3).

## **16. Requirements for Sky Signs**

- (1) Two or more sky signs placed one above the other, whether or not in the same vertical plane, are for the purposes of this section, deemed to be one such sign;
- (2) In an area of minimum or partial control as specified in Schedule 1 to these By-laws, every sky sign must be set against a screen complying with the requirements of section 17;
- (3) No part of a sky sign may protrude beyond, above or below the edge of the screen required in terms of subsection (2);
- (4) No sky sign may exceed 300m<sup>2</sup> in extent: Provided that the Council may for a third party advertising sign allow a greater extent;
- (5) If the number of storeys contained in that part of a building which is directly below a sky sign is –
  - (a) one to five storeys ; or
  - (b) six or more storeys, the vertical dimension of such sign may not exceed 3,0m and 5,0m respectively :

Provided that the Council may in terms of section 4(2) approve a third party advertising sign which is a sky sign with a greater dimension.

## **17. Screens for Sky Signs**

- (1) Every screen for a sky sign contemplated in section 16 must comply with the following requirements :
- (a) Every screen must be located and constructed to form a continuous enclosure effectively concealing the frame and the structural components of any sky sign from view, and, if it is required or allowed in an approval in terms of section 4(2) –
    - (i) such screen and structural component must be screened from any adjacent or other property;
    - (ii) the provisions of paragraph (a) requiring a continuous enclosure may be relaxed if the walls of any building on a property contemplated in sub-paragraph (i) are of a height and construction that such walls will effectively conceal such frame and structural components and do not contain openings overlooking them;
  - (b) unless the Council otherwise allows, no part of a screen may protrude beyond the perimeter of the building on which it is constructed;
  - (c) the gap between the bottom of a screen and that part of the building immediately below it may not exceed 100mm;
  - (d) no vertical dimension of any screen may exceed one-and-one-half times the vertical dimension of a sky sign specified in section 16(5) : Provided that if the screen also encloses a lift motor room, tank or other structure on the roof of the building concerned, the vertical dimension of the screen may be increased to the same height as such room, tank or structure; and
  - (e) if the material of which the screen is made has an open mesh or grid formation –
    - (i) the openings in such mesh or grid must be uniform; and
    - (ii) the aggregate area of the openings may not exceed 25% of the area of the screen; and

- (iii) no dimension of any such opening may exceed 100mm; Provided that the Council may allow the erection of a screen not complying with this paragraph, if the requirement of concealment in terms of paragraph (a) is met.

## **18. Signs on residential buildings, dwelling houses and dwelling units**

(1) The following advertising signs exempted in terms of section 8(2), may, without the approval of the Council, be displayed on a residential building, dwelling house or dwelling unit where applicable, subject to the following requirements:

- (a) A single sign not exceeding 600mm by 450mm displaying the name only of a residential building; and
- (b) a sign not exceeding 600mm x 450mm displaying the name of the person owning or managing a residential building, such person's logo and telephone number, provided such sign –
  - (i) is attached to or built into a wall or the building or a freestanding wall or boundary wall or fence or a freestanding pole on the property concerned;
  - (ii) is not illuminated; and
  - (iii) is limited to one of each sign referred to in paragraph (a) and (b), per street frontage of the property concerned; and
- (c) a sign not exceeding 2m<sup>2</sup> specifying the name and profession or occupation of an occupant of the property concerned attached to a boundary wall or fence, or the entrance door of a dwelling house or dwelling unit.

## **19. Sun-blind advertisements**

(1) An advertisement on any sun-blind exempted in terms of section 8(2), may be displayed without the approval of the Council, subject to compliance with the following requirements:

- (a) A sun-blind must be so made and attached to a building that it is incapable of being lowered to a height lower than 2m above the footway or pavement of a public street;

- (b) except at an intersection, a sun-blind must be placed parallel to the building line of the property concerned; and
- (c) at any intersection a sun-blind must be placed so that it does not cause any interference with or endanger vehicular or pedestrian traffic, or a traffic sign, street nameplate or other notice for the guidance or information of the public.

## **20. Advertisements on banners, flags and similar objects**

- (1) An advertisement exempted in terms of section 8(2) on any banner, streamer, flag, paper, paper machete, plastic sheet or other similar pliable material or on calico or other woven material may only be displayed for the following purposes :
  - (a) Advertising a function or event conducted for religious, educational, social, welfare, animal welfare, sporting, civic or cultural purposes, or a function or event relating to an election; and
  - (b) the display of the name, corporate symbol and nature of any enterprise.
- (2) Every person to whom approval has been granted in terms of section 4(2) in respect of an advertisement contemplated in subsection (1), but not exempted in terms of Section 8(2), must comply with and ensure that the following requirements are complied with:
  - (a) Not more than two advertisements in respect of the same matter are permitted in an urban or rural area of maximum control or four banners or flags in respect of the same matter in an urban area of partial and minimum control as contemplated in Schedule 1;
  - (b) a maximum of ten banners or flags may be displayed at any shopping centre;
  - (c) every advertisement must be attached to a pole or suspended between poles or other supports on the property upon which the activity contemplated in subsection (1)(a) is to take place; and
  - (d) no advertisement may be displayed for more than seven days prior to the date of the activity advertised and must be removed within three days after the conclusion thereof.



## **21. Advertisements on blimps**

- (1) A blimp containing an advertisement may, subject to the approval of the Council in terms of section 4(2), be used for a period not exceeding 30 days and may be airborne during daylight hours only;
- (2) The Council must, for the purposes of considering an application for approval in terms of section 3 of an advertisement to be displayed on a blimp, have regard to –
  - (a) the period during which the blimp will be used;
  - (b) the size of the blimp;
  - (c) the strength of the anchorage and the anchoring cable;
  - (d) the provision of a device by means of which the blimp will automatically so deflate as to sink slowly to the ground in the event of the failure or severance of the blimp from its anchorage or anchoring cable;
  - (e) the possibility of interference with pedestrian or vehicular traffic;
  - (f) any requirement or condition prescribed by the Department of Civil Aviation, including the maximum height to which the blimp must be restricted; and
  - (g) the location of the blimp.

## **22. Painted advertisements**

- (1) Subject to the approval of the Council in terms of section 4(2) –
  - (a) the name of any person carrying on business in a building may be painted directly on a wall of that building;
  - (b) a third-party advertisement may be painted directly onto any surface, subject to section 9(u).

## **23. Advertising signs relating to selling and letting of property**

- (1) Any of the following advertising signs relating to the letting or selling of property, may be displayed without the approval of Council :

- (a) A sign not exceeding 600mm x 450mm in size containing the words “for sale” or “to let” in respect of a dwelling house or residential building and displaying only the name, address and telephone number of the owner of the property or his or her estate agent, must be –
- (i) placed on or attached to the building concerned;
  - (ii) attached parallel to a boundary fence or wall of the property concerned;
  - (iii) otherwise displayed within the boundaries of the property concerned;
  - (iv) on that part of a public street, other than the roadway, on which the property concerned fronts and directly in front of such property; and
  - (v) limited, if an estate agent is involved, to one sign per estate agent per property;
- (b) a single sign per street frontage of a property not exceeding 600mm x 450mm in size, which contains only the word “sold” and the name address and telephone number of the estate agent concerned, in respect of any dwelling house, or residential building, and which –
- (i) is displayed only after every sign specified in paragraph (a) has been removed;
  - (ii) is placed, attached or displayed as specified in paragraph (a)(i), (ii) or (iii);
- (c) a single sign not exceeding 6m<sup>2</sup> in extent per building flat on the façade of a non-residential building which contains only the words “for sale” or “to let” and the name, address and telephone number of the owner or his or her estate agent, or only the word “sold” and the said particulars of the estate agent, for a period not exceeding 90 days;
- (d) (i) a sign not exceeding 600mm x 450mm in size, displayed on a vacant residential property, which displays only the words “for sale” and the name, address and telephone number of the owner or his or her estate agent concerned, or only the word “sold” and the name address and telephone number of that agent;

- (ii) a for sale sign must be limited to one sign per estate agent and may be displayed for a period not exceeding 90 days; and
  - (e) a single sign not exceeding 6m<sup>2</sup> in extent per property, on a vacant nonresidential property, on which the words “for sale” or “to let” and the name, address and telephone number of the owner or his or her estate agent are displayed or the word “sold” and the name, address and telephone number of the estate agent concerned, may be displayed for a period of not exceeding 90 days;
- (2) Not more than five directional signs and only on show days indicating the position of a property for sale or to let may be displayed by an estate agent.

#### **24. Other temporary advertising signs**

- (1) Any directional sign displayed by the Automobile Association of Southern Africa advertising an event may be displayed without approval contemplated in section 3(1);
- (2) Any advertising sign not exceeding 4m<sup>2</sup> in extent and not more than 3m above the ground level immediately below it, containing an advertisement relating to a sale in execution consequent upon the decision of a Court of Law or an auction or a sale by a liquidator or a trustee in an insolvent estate to be held on or relating to a property, may be displayed on that property for not more than seven days before the sale or auction, or for more than three days after the conclusion of the sale or auction;
- (3) The Council may, subject to an application in terms of section 3, approve temporary advertising on property owned by, vested in or controlled by it for a period not exceeding 30 days.

#### **25. Advertisements on construction sites**

- (1) The Council must, for the purposes of considering an application in terms of section 3(3) for an advertisement to be displayed on the boundary or fence of or scaffolding on a construction site for a period set out in the

building schedule but not exceeding 12 months, have regard to the following considerations :

- (a) The zoning of the property concerned in terms of an applicable town planning scheme and the general ambience of the area where the proposed sign is to be displayed;
  - (b) the aesthetic effect of the sign on the amenity of the area concerned and its surroundings;
  - (c) the area of control set out in Schedule 1, applicable to the property concerned and its surroundings; and
  - (d) the distance of the proposed sign from every other approved and existing advertising sign within a radius of 200m.
- (2) An advertisement specified in subsection (1) is only allowed in an urban area of partial or minimum control and
- (a) may not be animated or illuminated;
  - (b) may only be permitted on scaffolding which is against a building under construction or on a hoarding, fence or wall on the boundary of a construction site which has been erected to enclose that site during construction;
  - (c) may only be erected if it will conceal an unsightly condition arising out of the use to which the property concerned is put and if such sign will make a positive contribution to the visual environment; and
  - (d) may not be placed on the top of a boundary fence or wall unless it is positioned so that there is no gap between the advertisement and the wall or fence.

## **26. Transit advertising**

- (1) A transit advertising sign containing an advertisement may only be displayed if it is mobile at all times during which time it is in or in view of a public place; and
- (2) If a transit advertising sign is used in contravention of subsection (1) or any other provision of these By-laws, an authorised official may, without prior notice, remove and impound such sign;
- (3) Any transit advertising sign impounded in terms of subsection (2), must be kept by the Council for a period of 30 days from the date of impoundment

- and an authorised official must in writing notify the owner of such sign of the impoundment if the address of the owner can be ascertained;
- (4) An owner of a transit advertising sign impounded in terms of subsection (2) may claim such sign within the period specified in subsection (5) subject to payment of a prescribed fee;
  - (5) The Council may if an advertising sign is not claimed by its owner within the period of 30 days referred to in subsection (3), destroy or otherwise dispose of the advertising sign concerned;
  - (6) The Council may recover the prescribed fee from any owner who has not claimed his or her transit advertising sign in terms of subsection (4).

## **CHAPTER 5**

### **POSTERS**

#### **27. Approval of posters**

- (1) No person may subject to the provisions of section 28, display any poster in, or in view of, any public place unless he or she has first obtained the written approval of the Council;
- (2) Approval in terms of subsection (1) may only be given for the display of a poster which does not relate to third party advertising;
- (3) Application for approval contemplated in subsection (1) must be made on a prescribed form and must be accompanied by –
  - (a) details in writing of every township and street in which the posters concerned are to be displayed;
  - (b) by the prescribed fee; and
  - (c) an example of every poster to which the application relates;
  - (d) an example of the frame in which the posters will be displayed.

- (4) Every poster for which permission is granted as contemplated in subsection (1) must be provided with a sticker supplied by the Council and only a poster with such sticker may be displayed;
- (5) The Council may retain one poster to which an application in terms of subsection (3) relates for identification purposes;
- (6) Any person who displays a poster, for which approval has been granted as contemplated in subsection (1), must comply with and ensure that the following requirements are complied with:
- (a) No poster may be displayed that it has a clear height lower than 2.1m or higher than 3m;
  - (b) no poster may be indecent or suggestive of indecency, prejudicial to public morals or reasonably objectionable;
  - (c) no poster may be displayed on any motorway and on any on and off-ramp relating to a motorway;
  - (d)
    - (i) every poster other than a poster contemplated in section 28 must be displayed in a frame and in a location approved by the Council;
    - (ii) a frame referred to in sub-paragraph (i) may not exceed –
      - (aa) 600mm in height x 450mm in width in respect of any poster displaying a newspaper headline; and
      - (ab) 900mm in height x 600mm in width in respect of any other poster;
  - (e) a poster with a frame contemplated in paragraph (d) may only be attached to an electric pole in a public place;
  - (f) a frame referred to in paragraph (e) must –
    - (i) be secured in such a manner that it will not become wholly or partially dislodged by wind or any other means; and
    - (ii) positioned in such a manner that it does not obscure or interfere with the electrical inspection chamber or pole identification number of the pole to which it is attached; and
    - (iii) not impair the safety of motorists or pedestrians.
  - (g) no poster may be displayed within 20m of an intersection, controlled by a road traffic sign;
  - (h) no poster relating to a meeting, function or event, other than a national election or relating to the registration of voters, may be displayed for a period exceeding ten days before the date on which

- such meeting, function or event commences or longer than four days after the date on which it ends;
- (i) the name and contact details of the person displaying any poster, details of the event advertised, the commencement and final date of the event and the venue with address where it is to be held must appear on every poster;
  - (j) the name and contact details of –
    - (i) any person displaying a poster; and
    - (ii) any newspaper displaying a poster with news headlines, must appear on such poster; and
  - (k) no poster may be displayed for a period exceeding 28 consecutive days for any event advertised; and
  - (l) no poster may be affixed by means of adhesive directly onto any surface of any private or Council property or asset.
- (7) Subject to approval contemplated in subsection (1), a number of posters not exceeding 80, advertising an auction to be held in consequence of an order of Court of Law as a sale in execution or a sale held by a liquidator or a trustee in an insolvent estate, may be displayed and must contain –
- (a) in the case of a sale in execution, the relevant case number; or
  - (b) in the case of a sale by a liquidator or a trustee, the reference number of the Master of the High Court.
- (8)
- (a) An authorised official may, without giving notice to anyone, remove any poster displayed without approval having been obtained in terms of subsection (1) or which is in conflict with any provision of these By-laws.
  - (b) Any poster removed in terms of paragraph (a), other than a poster which had to be damaged or destroyed in order to remove it, may be claimed by its owner within 21 days of its removal, and if not so claimed, may be destroyed by an authorised official;
  - (c) If an owner claims any poster in terms of paragraph (b), the poster concerned must be returned to him or her subject to the payment of the prescribed fee;
  - (d) The Council may recover the prescribed fee contemplated in paragraph (c) from any owner who does not claim his or her poster as contemplated in that paragraph.



## 28. Posters relating to election or voter registration

- (1) The following requirements must be complied with in respect of any poster relating to elections or voter registration:
- (a) Every poster must be attached to a board made of weatherproof material, in such a manner that it will not become wholly or partially dislodged by wind or any other means;
  - (b) no board or poster referred to in paragraph (a) may exceed 900mm in height x 600mm in width or be less than 600mm in height x 450mm in width;
  - (c) a board and poster referred to in paragraph (a) may only be secured to an electric light pole;
  - (d) a poster relating to –
    - (i) a candidate nominated for election may be displayed from the date of such nomination;
    - (ii) an election other than a poster referred to in paragraph (a), or voter registration, may be displayed from the a date –
      - (aa) 14 days prior to the date of the proclamation in the Government or Provincial Gazette of the election or voter registration; or
      - (bb) if applicable, 14 days prior to the date of nomination of candidates, whichever date is earlier;
  - (e) any poster contemplated in this section, must be removed by the person displaying it within five days after conclusion of the election or voter registration, failing which, the Council shall within 10 days after the conclusion of the election or voter registration notify the relevant party to remove the posters within a time period specified, failing which, the Council may remove the posters itself against a prescribed fee per poster payable by the relevant party.
- (2) (a) The provisions of section 27(6)(a), (b), (c), (e) (f) and (g), read with the necessary changes, apply in respect of any poster contemplated in this section, provided that such poster need not be placed in a frame.
- (b) The provisions of section 27(8) read with the necessary changes apply in respect of posters not complying with the provisions of this section.

## CHAPTER 6

### MISCELLANEOUS

#### 29. Maintenance of signs

- (1)
  - (a) The owner of an advertising sign is responsible for maintaining that sign and the surrounding area so that it does not become unsightly or deteriorate to such a degree that it is in conflict with any provision of these By-laws;
  - (b) An owner contemplated in paragraph (a), must carry out at least one annual inspection of an advertising sign with a view to satisfying himself or herself that it has been properly maintained as contemplated in paragraph (a) and forthwith carry out any necessary maintenance resultant upon such inspection;
  - (c) An owner contemplated in paragraph (a), must keep a written record of any inspection made and maintenance carried out in terms of paragraph (b), must retain such record for a period of five years and must, on request by an authorised official, make such record available for perusal.
- (2) If, in the opinion of an authorised official, any advertising sign is in a dangerous or unsafe condition or has been allowed to fall into a state of disrepair or is in conflict with any requirement of these By-laws, he or she may serve a notice on the owner of such sign requiring him or her, at his or her own cost, to remove the advertising sign or take other steps relating to the maintenance specified in the notice, within a period so specified.
- (3) If an authorised official is of the opinion that an advertising sign constitutes an imminent danger to any person or property, he or she may without serving a notice in terms of section (2), or if such a notice has been served but not complied with within the period specified therein, he or she may remove that advertising sign or take other steps which he or she may consider necessary;

- (4)
  - (a) If at any time, no advertisement is displayed on an advertising hoarding, the Council may serve a written notice on the owner of that hoarding requiring him or her at his or her own cost, to display an advertisement on that hoarding within a period so specified;
  - (b) If a notice served in terms of subsection (1) is not complied with, the Council may, by notice in writing, require the owner of the advertising hoarding at his or her own cost to display a community message specified by the Council, until that owner displays an advertisement on the hoarding concerned;
  - (c) The approval for an advertising hoarding in terms of these By-laws lapses if the owner on whom a notice has been served in terms of paragraph (b) fails to comply with the requirements of the notice within the period specified therein.

### **30. Costs of removal and storage**

- (1) The cost incurred by the Council for the removal and storage of an advertising sign, other than a poster, and other costs incurred by the Council as contemplated in section 29, may be recovered from the owner of that advertising sign or any other person whose name or activity is displayed on that advertising sign;
- (2) If an advertising sign has been removed in terms of section 29(3), an authorized official must in writing give notice to the owner of that sign, if his or her address can be ascertained, of such removal and that he or she may claim the advertising sign concerned;
- (3) Any advertising sign which has been removed and stored in terms of these By-laws may be released to its owner subject to payment of a prescribed fee;
- (4) Any advertising sign removed and not claimed within 30 days may be disposed of by the Council.

### **31. Documentation**

- (1) The owner of a property upon which a sign or an advertising sign is erected, attached or displayed, must retain certified copies of all documentation

relating to the application for approval of such sign in terms of these By-laws and the approval of the Council in terms of these By-laws, for as long as that sign is erected or displayed, and must on request by an authorised official, present such documentation;

- (2) The owner of an advertising sign or advertisement who is not also the owner of the property or building on which such sign is displayed, must provide the owner of that property or building with a certified copy of all documentation contemplated in subsection (1), relating to such advertising sign.

### **32. Public participation process**

- (1) After lodging an application in terms of section 3(3), the applicant must forthwith cause a notice in a prescribed form, to be published once in English and in one other official language newspaper circulating in the area in which the property to which the application relates is situated: Provided that no such notice may be published during the period from 12 December to 3 January of the following year, both dates included.
- (2)
  - (a) The applicant must from the date of publication of a notice in terms of subsection (1), display a notice in a prescribed form in English and one other official language in a conspicuous place visible to the public on a street front of the property on which the proposed sign will be erected;
  - (b) The applicant must maintain a notice displayed in terms of paragraph (a), for a period of at least 21 days from the date of the publication of the notice in terms of subsection (1).
- (3) A notice contemplated in subsections (1) and (2), must contain a statement –
  - (a) that details of the application concerned will be open for inspection at an address specified in the notice for a period of 21 days from the date of publication of the notice in terms of subsection (1); and
  - (b) that any person may within the period specified in paragraph (a), submit comments or representations, or lodge an objection, in writing in respect of the application concerned.
- (4) Any person proposing to submit comments or representations or lodge an objection as contemplated in subsection (3), must address such

comments, representations or objections to both the Council and the applicant concerned at their respective addresses specified in the notices so contemplated;

- (5) The Council may if the proposed advertising sign will be visible from any property used for residential purposes, require the applicant to notify the owner of that property in writing of the application and obtain his or her written comments on the proposed advertising sign;
- (6)
  - (a) An applicant contemplated in subsection (1), must submit the original newspaper cuttings showing the notices and the date and name of the newspapers in which notices have been published in terms of subsection (1) and a photograph indicating the first and last date of the notice displayed in terms of subsection (2), accompanied by an affidavit confirming compliance with that subsection;
  - (b) The applicant must furnish proof to the satisfaction of the Council that he or she has complied with the provisions of this section.
- (7) The Council may in its discretion exempt an applicant from complying with the above requirements.

### **33. Consideration of applications**

- (1) If any written comments, representations or objections have been received in respect of an application from any interested party contemplated in section 32, the Council must consider all such comments, representations and objections before taking a decision on the application;
- (2) An applicant may within 14 days after receiving any comments, representations or objections to an application, submit a written response thereto to the Council for consideration;
- (3) If a response in terms of subsection (2) is not received by the Council within the period specified in subsection (2), it may take a decision on the application concerned without any notification to the applicant.

### **34. Termination of approvals of signs under previous By-laws**

- (1) If approval for an advertising sign was given under the By-laws repealed by section 39 without specifying a period for the duration of that approval,

the Council may in agreement with the owner of that sign determine a date on which such approval will lapse;

- (2) If an agreement in terms of subsection (1) cannot be reached, the Council may, subject to compliance with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), determine a date contemplated in subsection (1), and notify the owner of the advertising sign concerned of its decision and that he or she may apply for approval for that sign in terms of section 3;
- (3) If the owner of an advertising sign fails to submit an application in terms of section 3(2) within 60 days after being notified in terms of the date of an agreement in terms of subsection (1) or of a notification in terms of subsection (2), the advertising sign concerned shall be considered to be erected or displayed without such approval.

### **35. Serving of notices**

- (1) Any notice that is required to, or may, be served, delivered or given in terms of, or for the purposes of, these By-laws, must be served in any of the following ways:
  - (a) By handing a copy of the notice to the person concerned;
  - (b) by leaving a copy of the notice at the person's place of residence, business or employment with any other person who is apparently at least 16 years old and in charge of the premises at the time;
  - (c) by faxing a copy of the notice to the person, if the person has in writing furnished a fax number to the Council or an authorised official ;
  - (d) by handing a copy of the notice to any representative authorised in writing to accept service on behalf of the person;
  - (e) if the person has chosen an address for service, by handing a copy of the notice to a person who is apparently at least 16 years old at that address;
  - (f) by sending a copy of the notice by registered or certified post to the last known address of the person concerned, and, unless the contrary is proved, it is deemed that service was effected on the seventh day following the day on which the document was posted;

- (g) if the person is a company or other body corporate, by serving a copy of the notice on an employee of the company or body corporate at its registered office or its principal place of business within the Republic, or its main place of business in the area of jurisdiction of the Council, or if there is no employee willing to accept the service by affixing a copy of the notice to the main door of the office or place of business; or
- (h) if the person is a partnership, firm or voluntary association, by serving a copy of the notice on a person who at the time of service is apparently in charge of the premises and apparently at least 16 years of age, at the place of business of such partnership, firm or association or if such partnership, firm or association has no place of business, by serving a copy of the notice on a partner, the owner of the firm or the chairman or secretary of the managing or other controlling body of such association, as the case may be.

### **36. Inspections**

- (1) In addition to any power of inspection which an authorised official may have in terms of these By-laws, he or she may for any purpose relating to the implementation and enforcement of these By-laws, between 08:00 and 17:00, on any day other than a Sunday or public holiday, carry out an inspection of any advertising sign;
- (2) An authorised official must, before the commencement of, or during an inspection in terms of subsection (1), at the request of the owner of an advertising sign or the owner of a property on which the advertising sign concerned has been erected or is displayed, produce written confirmation of his or her appointment as an authorized official empowered to carry out inspections for the purposes of these By-laws;
- (3) An authorised official carrying out an inspection in terms of these By-laws, must conduct himself or herself with strict regard to decency and orderliness and with due regard to any person's rights contained in the Bill of Rights as set out in Chapter 2 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996).



### **37. Appeals**

- (1) Any person whose rights are affected by a decision by an authorised official in terms of or for the purposes of these By-laws, may appeal against that decision to the Municipal Manager, appointed by the Council in terms of Section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), by lodging written notice of appeal, specifying the grounds of appeal within 21 days of the date on which he or she was notified of that decision;
- (2) The Municipal Manager must commence consideration of the appeal and take a decision thereon within a reasonable time;
- (3) The Municipal Manager must forthwith after a decision has been taken in terms of subsection (2), in writing, notify the appellant thereof;
- (4) An applicant, contemplated in subsection (1) may, on being notified of a decision in terms of subsection (2), in writing apply for reasons for the decision and the Municipal Manager must furnish written reasons to the applicant as contemplated in Section 5 of the Promotion of Administrative Justice Act, 2000.

### **38. Offences and penalties**

- (1) Any person who-
  - (a) contravenes or fails to comply with any provision of these By-laws;
  - (b) refuses or fails to comply with any notice served on him or her in terms of or for the purposes of these By-laws;
  - (c) refuses or fails to comply with the terms or conditions of any approval issued in terms of these By-laws;
  - (d) obstructs, hinders or interferes with an authorised official or other official of the Council acting under power delegated to him or her, in the exercise of any power or the performance of any duty under these By-laws;
  - (e) fails or refuses to furnish to an authorised official or other official of the Council acting under power delegated to him or her, with any documentation or information required for the purposes of these By-laws or furnishes a false or misleading document or false or misleading information;

- (f) fails or refuses to comply with any instruction given in terms of or for the purposes of these By-laws; or
- (g) pretends to be an authorised official or other official of the Council acting under power delegated to him or her, is guilty of an offence and –
  - (i) liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 12 months;
  - (ii) in the case of a continuing offence, to a further fine not exceeding R1000, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been served on him or her by the Council or an authorised official requiring the discontinuation of such offence.

### **39. Repeal of By-laws**

- (1) Subject to the provisions of subsection (2), the Elundini Local Municipality, ADVERTISING SIGNS AND DISFIGUREMENT OF THE FRONTS FOR FRONTAGES OF STREETS CONTROL By-laws of the Council published under Local Authority Notice 60 in Provincial Gazette No. 1929 dated 30 July 2008, are hereby repealed;
- (2) Anything done under or in terms of any provision of the By-laws repealed by subsection (1) is deemed to have been done under the corresponding provisions of these By-laws and such repeal does not, subject to the provisions of section 34, affect the validity of anything done under the By-laws so repealed;
- (3) Any application in terms of the By-laws repealed by subsection (1), pending before the Council at the date of commencement of these By-laws must be dealt with in terms of these By-laws.

### **40. Title**

These By-laws are referred to as the Outdoor Advertising By-laws and will come into operation on date of promulgation of the By-laws in the Provincial Gazette.