

**CITY OF uMHLATHUZE**  
**ADVERTISING SIGNS BYLAWS**

The Council and the uMhlathuze Municipality has in terms of Section 156 of the Constitution, 1996 (Act No 108 of 1996, read in conjunction with Section 11 of the Municipal Systems Act, 2000 (Act No 32 of 2000), made the following bylaws:

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## 1. DEFINITIONS

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

**“Advertising Bylaws”** means the bylaws on outdoor advertising as adopted by Council of the City of uMhlathuze

**“Advertising signage structure”** means any physical structure built to display advertising

**“Advertising vehicle”** means a vehicle constructed or adapted for the display of advertisements, which includes a vehicle adapted with any structural appendage or fixture to accommodate the display of third party advertising, and includes a trailer towed by a vehicle and adapted to accommodate the display of third party advertising

**“Aerial advertisement”** means any advertisement displayed in the air by the use of a balloon, kite, inflatable, aircraft or any other means

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

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

**“Application”** in relation to advertising sign/s may include all proposed advertising signs per business per site

**“Appropriate”** means that the dimensions, installation, materials, place and/or supports are, in the opinion of Council, suitable for, and appropriate in, all circumstances of the case

**“Approval”** means approval by the Council or its delegated officials

**“Area of Control”** reflects the degree of control to be applied to a certain landscape or part thereof which is a refinement of basic landscape sensitivity and includes those areas as defined and set out as maximum, partial or minimum control in the Council’s Bylaws on Outdoor advertising, in accordance with the visual sensitivity of the area and traffic safety conditions.

**“Billboard”** means any screen, board, hoarding, fence, wall or other structure larger than 4.5m<sup>2</sup> and in a fixed position used or intended to be used for the purpose of posting, displaying or exhibiting any advertisement

**“Bill-sticking”** means an advertisement or poster pasted directly onto an existing surface which is not intended specifically for the display of a poster or advertisement

**“Bit”** means the basic unit for measuring the length of advertising messages and may consist of letters, digits, symbols, logos, graphics or abbreviations

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

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

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

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

**“Council”** means the uMhlathuze Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Executive Committee has delegated any powers and duties with regard to these bylaws

**“Council Property”** includes all property, whether movable or immovable, which is owned by, vests in or is under the control of the Council

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

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

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

**“Designated areas”** are areas of maximum, partial or minimum control that have been specifically designated in the policy for the display of various types of advertising signs

**“Directional”** in relation to any advertisement or part thereof means that such advertisement or part conveys only the name and, in words, the nature of the industry, trade, business, undertaking or activity which is carried on within the building or premises on which the advertisement appears

**“Display”** means the display or erection of an advertising sign or structure

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

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

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

**“Estate agents” board”** means an advertisement that is temporarily displayed to advertise the fact that land, premises, development or other forms of fixed property are for sale or to let

**“Fascia sign”** means a sign which is directly affixed or painted on the front of a canopy or verandah beam

**“Flashing Advertisement”** means an electric advertisement which intermittently appears and disappears

**“Flat sign”** means any wall sign, other than a projecting sign, which is directly attached to the face of an external wall of a building or on a wall external to and not part of a building.

**“Gore”** means the area immediately beyond the divergence of two roadways bounded by the edges of those roadways

**“Ground Sign”** is a self-supporting sign erected on the ground in any manner whatsoever or attached to a pole, pylon, screen, fence or hoarding and which is not attached to a building or a wall

**“Illuminated Advertisement”** means an advertising signage structure which has been installed with electrical or other power for the purpose of illuminating the message of such sign

**“Non-profit body”** is a body established to promote a social goal without the personal financial gain of any individual or profit-making commercial organisation involved

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

**“On site or directional”** in relation to any advertisement means that such advertisement conveys only the name and the nature of the industry, trade, business, undertaking or activity which is carried on within the building or premises on which the advertisement is displayed

**“Outdoor advertising”** means any form of advertising as defined, visible from any street or public place and which takes place out of doors

**“Overall height”** in relation to a sign, means the vertical distance between the uppermost edge of the sign and the level of the ground, pathway or roadway immediately below it

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

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

**“Posters”** are placards intended to be temporarily displayed in a street or public place as an announcement of a meeting, function or event relating to an election, activity or undertaking

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

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

**“Projecting sign”** means any wall sign which is affixed to a building and protrudes more than 300mm from the wall of such building

**“Public Place”** means any road, street, thoroughfare, bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space vested in the Council and to which the public has access

**“Remote or third party advertising”** means that the content of such advertisement is unrelated to anything being undertaken on the premises on which such advertisement is displayed

**“Return Wall”** means any external wall of a building or any other wall, which faces any boundary other than a street façade

**“Road Reserve”** means the area contained within the statutory width of a road

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

**“Road Traffic Sign”** means any road traffic sign as defined in the Road Traffic Act

**“Roof sign”** means a sign painted or affixed directly onto the roof covering of a building

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

**“Sign”** means any physical structure or device intended for the display of an advertisement

**“Signalised traffic intersection”** means an intersection controlled by traffic lights

**“Sky sign”** means a sign that is placed or erected on or above the roof, parapet wall or eaves of a building

**“Specific consent”** means the written approval of the Council which is required on submission of a formal application

**“Street furniture”** means public facilities and structures which are not intended primarily for advertising and includes seating benches, planters, sidewalk litter bins, pole-mounted bins, bus shelters, sidewalk clocks and drinking fountains, but excludes road signs, traffic lights, street lights, or any other road-related structures

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

**“Temporary sign”** means a sign, not permanently fixed and not intended to remain fixed in one position, which is used to display an advertisement for a temporary period

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

**“Under-awning sign”** means a sign suspended or attached to the soffit of a canopy or veranda

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

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

**“Zone”** means the use zone as defined in the uMhlathuze Town Planning Scheme in course of preparation

## 2. APPROVAL FOR ADVERTISEMENTS & SIGNS

Subject to the provisions of these Bylaws, no person shall erect or cause or allow to be erected, altered, displayed or maintained any advertisement or sign which is visible from any street or public place or on any Council Property without first having obtained the written approval of the Council or its duly delegated officials.

## 3. EXEMPT ADVERTISEMENTS & SIGNS

- (1) Subject to the provisions of these Bylaws, advertisements or signs for which no approval is required are as follows:
  - (a) Any advertisement or sign not exceeding 2m<sup>2</sup> which is required to be displayed in terms of any national, provincial or municipal legislation; i.e. a company, close corporation, co-operative, licenced premises or professional offices, or any security sign limited to one per street frontage or premises;
  - (b) Any advertisement or sign over or near the main entrance to any premises in which a business is carried on and which bears only the name of the business;

- (c) One advertisement or sign per street frontage indicating only the name and nature of an enterprise, practice, accommodation facility and place of residence as well as the name of the proprietor, partner or practitioner with a maximum area of 1,5m<sup>2</sup> per sign; or indicating the name and nature of institutions and other community facilities with a maximum area of 3m<sup>2</sup> per sign;
- (d) Any non-illuminated advertisement displayed inside a building or on a display- or shop front window;
- (e) Any advertisement not exceeding 4,5m<sup>2</sup>, displayed within the curtilage of the premises relating to the accommodation being offered to let or purchase in the building, limited to one advertisement per advertising agent per street frontage and not displayed for longer than 30 days after the date of sale or lease;
- (f) Project boards advertising only the builders and professional consultants involved in a project, not exceeding 18m<sup>2</sup> and with a maximum erected height of 6m, displayed within the curtilage of the premises whilst building work is in progress, limited to one per street frontage and to be removed within 30 days of completion of the project;
- (g) A national flag of any country except when in the Councils' opinion more than one national flag is used to promote, advertise or identify an economic activity, in which case the provisions of these Bylaws shall apply;
- (h) Any change of face to any remote advertisement displayed or erected if approval has already been granted by the Council for the advertising signage structure;
- (i) Aerial advertising by means of an aircraft provided that the necessary approval has been obtained from Civil Aviation, including any conditions and requirements as prescribed.

#### **4. APPLICATION, ASSESSMENT & APPEAL PROCEDURE**

- (1) Every person intending to display, erect, alter or maintain any advertisement or sign, for which the prior written permission of the Council is required, shall submit a written application to the Council on the prescribed form, together with the prescribed fee in accordance with the Schedule of Advertising Sign Charges together with any other documentation that Council may require. The application shall be signed by the owner of the proposed advertising sign and by the registered owner of the land or building on which the advertising sign is to be erected or displayed or, on behalf of the owner of the land or building, by his/her agent authorised in writing by such owner and shall be accompanied by the following plans drawn in accordance with the following requirements:
  - (a) A locality plan drawn to scale showing the sign in relation to surrounding roads and structures within a 500m radius, where applicable.



- (b) A site plan showing the position of the sign or advertisement on the premises, drawn to a minimum scale of 1:500 and giving all dimensions, showing the position of the sign in relation to the boundaries, other buildings, structures, services and features on the site and showing the streets and buildings on properties abutting the site.
  - (c) Detailed dimensioned drawings sufficient to enable the Council to consider the appearance of the sign or advertisement including materials, construction and illumination details.
  - (d) Detailed dimensioned drawings showing the full text and graphic details of the advertisement to a scale of minimum 1:20 where applicable.
  - (e) Detailed dimensioned elevations and sections to a scale of minimum 1:100 showing the position of the advertisement or sign in relation to the buildings, structures, features and other existing advertising signs on the site and in the surrounds.
  - (f) Coloured photographs to illustrate the position of the sign in relation to the buildings, structures, features and other existing advertising signs on the site and in the surrounds.
  - (g) Such other additional drawings, Environmental Impact Assessments and/or photographs as are necessary, in the opinion of the Council, to explain the true nature and scope of the application.
- (2) In certain circumstances, the Council may use discretion to accept drawings that show only a portion of the plan or elevation of a building/s, or drawings to a smaller scale, or computer generated graphics drawn to scale to illustrate the proposal where certain drawings may be difficult to provide or even photographs where this is considered sufficient.
- (3) In addition, where required, the applicant shall submit additional structural and other drawings and certification as required giving full details of the calculations, size and materials used in the supporting framework, its fixings, securing and anchorage as well as for the structure and its advertisement to ensure the sign's structural stability, fire and safety compliance with the provisions of the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977) as well as the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993); as amended from time to time.
- (4) In addition, the applicant shall indemnify the Council against any consequences arising from the erection, display or mere presence of such advertising sign.
- (5) All signs to be erected or displayed must comply with the applicable Town Planning Scheme Regulations, as well as other relevant legislation, as amended from time to time.
- (6) In considering applications, in addition to any other relevant factors, the Council shall ensure that the design and display of all advertising signs conforms to Council's Policy and to SAMOAC's guidelines for control in terms of the general conditions and principles as set out in these documents, as amended from time to time.

- (7) The Council may refuse an application or grant its approval, subject to such conditions as it may deem expedient but not inconsistent with the provisions of these Bylaws or Council's Policy on Outdoor Advertising.
- (8) An approval or refusal of an application by the Council shall be made in writing with reasons provided within 60 days of a complete application having been submitted in terms of these Bylaws.
- (9) On approval, a complete copy of the application as submitted shall be retained by the Council for record purposes.
- (10) Any advertisement or sign erected or displayed shall be in accordance with the approval granted and any condition or amended condition imposed by such approval; and the person who erects an approved sign shall notify Council within 7 days of such sign or advertisement being erected.
- (11) The person/s to whom permission has been granted for the display of any advertisement or sign which extends beyond any boundaries of any street or public place shall enter into a written encroachment agreement with the Council, indemnify the Council in respect of the sign and be liable to Council for the prescribed annual encroachment rental.
- (12) Approval of all advertising signs shall be at the pleasure of the Council and will endure for a period as may be determined by the Council either in relation to the advertising structure or to the advertising content or both, whereafter a new application for consideration must be submitted to the Council for approval in terms of these Bylaws.
- (13) The applicant may appeal in writing against any refusal, lack of decision or condition imposed by the duly authorised official/s.
- (14) The appeal referred to in subsection (13) shall be lodged within 30 days of the date of the notice and will be submitted, together with a report, to the relevant committee of the Council for consideration.

## **5. WITHDRAWAL OR AMENDMENT OF APPROVAL**

- (1) The Council may, at any time, withdraw an approval granted or amend any condition or impose a further condition in respect of such approval if, in the opinion of the Council, an advertising sign does not conform to the guidelines for the control of signage in terms of Council's Policy and/or SAMOAC, as amended from time to time, or for any other reason Council may deem fit.
- (2) The Council may at any time revoke its approval for the display of an encroaching sign and cancel the encroachment agreement referred to in section 4(11), giving notice in writing to the owner/applicant of such decision. The owner/applicant shall also advise the Council in writing giving details of any intent to transfer ownership of any encroaching sign.
- (3) An approved sign shall be erected within 6 months from the date of approval whereafter such approval shall lapse unless written application for extension is made, which may only be granted for a maximum period of 2 months.

- (4) Any application which has been referred back to the applicant for amendment shall be resubmitted within two months of the date of the referral notice, failing which the application shall lapse.
- (5) Permission for an advertising sign is granted to the applicant only and shall lapse if he/she ceases to occupy the premises, provided that written approval may be granted by the Council to transfer this right to the new occupier of the premises if such approval is sought within thirty days from the date of the new occupation.
- (6) An electronic or illuminated advertisement which, in the opinion of the Council, causes a disturbance to the occupants of any affected premises shall be altered in such a manner as prescribed by the Council in writing, or be removed by the applicant/occupier within such period as may be specified.
- (7) The permission granted in respect of an advertisement or sign shall lapse if any alteration or addition is made to such advertisement or sign, provided that Council may approve minor alterations at its discretion by means of an endorsement on the original application.

## **6. STRUCTURAL REQUIREMENTS**

- (1) All signs shall be properly constructed and shall be properly secured, fixed and/or anchored, to the satisfaction of the Council.
- (2) All signs, including supports and framework, shall be constructed of non-combustible, durable and safe material suitable for particular design of the sign.
- (3) The Council may require certification by a registered Engineer or approved competent person of any sign's structural stability and safety.
- (4) Adequate provision shall be made for proper drainage of all advertising signs.
- (5) The supporting framework and attachment points of any sign shall be neatly constructed as an integral part of the design of the sign or otherwise concealed from view to the satisfaction of the Council.

## **7. ELECTRICAL REQUIREMENTS**

Every electronic and illuminated advertising sign including its supports and framework shall be constructed entirely of non-combustible materials and shall be installed in accordance with the provisions of the Council's Standard Tariffs and Procedures and the Code of Practice for the wiring of premises in accordance with the SABS or applicable legislation/regulations.

## **8. MAINTENANCE**

- (1) The owner and/or applicant shall jointly maintain such advertisement or sign and its supporting framework in a state of good repair, both structurally and aesthetically.
- (2) Should any advertisement or sign become dangerous, unsightly or a nuisance, the person(s) referred to in subsection (1) shall remove the source of danger, unsightliness or nuisance within the time frame specified by Council and failure to do so will constitute an offence.

- (3) Delegated officials from the Council shall be entitled to enter upon any premises for the purpose of carrying out inspections in terms of these Bylaws and the owner/s and/or applicant/s shall act in a co-operative manner with the said officials of Council in this regard.
- (4) Every sign and its supporting structure shall be repainted, treated against corrosion and cleaned regularly to prevent them from becoming unsightly.
- (5) Where any sign or advertising structure is in a state of disrepair or becomes torn, damaged or otherwise unsightly, the Council may instruct its removal.

## **9. OFFENCES & REMOVAL OF SIGNS**

- (1) Any person who displays or erects any advertisement or sign for which no approval has been granted by the Council in terms of section 2, or which approval has expired, or has been withdrawn, or which advertisement or sign does not conform with the approved application or any of its conditions, or does not comply with or is contrary to any provision of these Bylaws or to any other applicable Act or Regulation, shall be guilty of an offence.
- (2) Any person who erects or continues to display any advertisement or sign which ceases to be relevant to the premises on which it is displayed by virtue of a change in use, ownership or occupancy of the premises to which it relates or for any other reason, shall be guilty of an offence.
- (3) Any person who displays or erects any advertisement or sign which contravenes or fails to comply with any provision, requirements or conditions as set out in any notice issued and served in terms of these Bylaws or other applicable legislation, or who knowingly makes any false statement in respect of any application in terms of these Bylaws, shall be guilty of an offence.
- (4) The Council may serve notice on the person/s who is displaying the advertisement or who has erected the sign or caused the advertisement or sign to be displayed or erected, or the owner or occupier of the premises upon which such advertisement or sign is being displayed or erected, or upon both such persons, directing those persons to remove such advertisement or sign or to do such other work as may be set forth in the notice, within a time frame specified therein which shall not be less than 7 days from the date of receipt of the notice, so as to bring the advertisement or sign into conformity or compliance.
- (5) If any person/s to whom any notice has been given in terms of subsection (3) fails to comply with a direction/instruction contained in such notice within the specified period, the Council may, without a Court Order, enter onto the private or Council property concerned to remove or arrange for the removal of the advertisement or sign, or affect any of the alterations prescribed in the notice.
- (6) The Council may recover the expenses incurred as a result of any such removal or action taken in terms of subsection (5), or as a result of any repairs necessary for damages caused to private or Council property arising from such removal or action taken, or for any other costs incurred from any person(s) to whom the notice was issued in terms of subsection (3) and (4). No compensation shall be payable by the Council to any persons in consequence of such removal, repairs or action taken.

- (7) Any person who fails to remove any poster, banner, flag or election advertisement within the prescribed period shall be guilty of an offence. The Council shall be entitled to remove any such advertisement and deduct the prescribed amount from any deposit made in respect of the advertisement(s) so removed by the Council; provided that if the amount of money to be deducted exceeds the amount of the deposit made, the Council shall be entitled to recover such excess amount from such person(s); provided further that when any such poster, banner or election advertisement is removed in terms of these Bylaws, the Council shall be entitled to destroy any such advertisement without giving notice to anyone.
- (8) Any person/s who, having displayed or caused to be displayed any portable board in respect of which approval has been granted in terms of these Bylaws, fails to remove such board within two hours of the time as specified in section 15, shall be guilty of an offence and the Council shall be entitled to remove any such portable board and to recover from such person/s the fee prescribed; provided that any portable board so removed by the Council may be destroyed without giving notice to anyone.
- (9) Any advertisement or sign, other than those referred to in subsections (7) and (8), which were removed or confiscated by the Council in terms of these Bylaws, may be reclaimed within 60 days from the date of removal or confiscation and on payment of the charges due, failing which the Council shall have the right to use, dispose of or sell such sign at its discretion.
- (10) If, in the opinion of the Council, the advertising sign constitutes a danger to life or property and in the event of the applicant/owner and/or occupier failing to take the necessary action with immediate effect, the Council may, without any court order, enter into the private or Council property concerned to carry out or arrange for the removal of such sign and recover the expenses so incurred.
- (11) Any person who, in the course of erecting or removing any advertising sign, causes damage to any natural feature, electric structure or service, or any other Council installation or property, shall be guilty of an offence and punishable in terms of section 10 of these Bylaws and shall be liable for damages so incurred.
- (12) The Council is entitled to summarily remove any unauthorised advertising signs on its own property without giving notice to anyone.

## **10. PENALTIES**

Any person who contravenes any provision of these Bylaws shall be guilty of an offence and liable, upon conviction, to a fine or imprisonment for a period not exceeding six months or both the fine and the imprisonment.

## **11. PRESUMPTIONS**

If any person is charged with an offence in terms of these Bylaws it shall be presumed that:

- (a) Any person/s who erects or displays or who causes to be erected or displayed any advertisement or sign, whether such person/s be the applicant, the owner or the occupier of the premises, the manufacturer of any part of the signage structure or the proprietor of the undertaking or activity to which such an advertisement relates and any of their agents, shall be deemed to have displayed, caused, allowed or consented to such advertisement or sign being displayed until the contrary is proved.
- (b) Any person/s, club, body or political party responsible for organising, sponsoring, promoting or in control of any meeting, function or event to which a sign, poster, election or aerial advertisement relates, shall be deemed to have displayed, caused, allowed or consented to such advertisement or sign being displayed until the contrary is proved.
- (c) Any person/s whose name appears on the advertisement or sign or whose product or services are advertised on such sign shall be deemed to have displayed, caused, allowed or consented to such advertisement or sign being displayed until the contrary is proved.
- (d) An advertisement displayed upon the exterior wall or fence constituting the apparent boundary of any premises and fronting any street or public place shall be deemed to be displayed in a street or public place.
- (e) Where any notice or other document is required by these Bylaws to be served on any person, it shall be deemed to have been properly served, within five working days of dispatch, if served personally on him/her or any member of his household apparently over the age of sixteen years at his/her place of residence, or on any person employed by him at his place of business, or if sent by registered post to such person's residential or business address as it appears in the records of the Council, or if such person is a company, closed corporation or a trust, if served on any person employed by that company, closed corporation or trust at its registered office, or if sent by registered post to such office.
- (f) Any advertisement or sign lawfully in existence prior to the date of promulgation of these Bylaws shall be presumed to have been lawfully displayed or erected in term of these Bylaws, provided that it is continuously displayed or kept in position without any alteration other than a minor alteration approved in writing by the Council.
- (g) Anything done under or in terms of any provision repealed by these Bylaws shall be deemed to have been done under the corresponding provisions of these Bylaws and such repeal shall not affect the validity of anything done under the Bylaws so repealed. Any application lodged and pending before the Council at the time of commencement of the Policy and/or promulgation of these Bylaws, shall be dealt with in terms of these Bylaws.

## 12. PROHIBITIONS

The following advertisements and signs are prohibited:

- (a) Any advertisement or sign, other than an exempted sign, for which neither a permit nor approval has been obtained or which does not comply with the requirements of, or which is not permitted by these Bylaws or any other Law.

- (b) Any advertisement which in the opinion of the Council is indecent, obscene or objectionable or of a nature which may produce a pernicious or injurious effect on the public or on any particular class of person/s or on the amenity of any neighbourhood.
- (c) Any advertisement or sign that is painted onto or attached in any manner to any tree, plant, rock or to any other natural feature.
- (d) Any advertisement or sign which obstructs any street, fire escape, exit way, window, door or other opening used as a means of egress or for ventilation or for fire fighting purposes.
- (e) Any illuminated sign whether a searchlight or laser beam, animated, flashing or static, which disturbs or is a nuisance to the residents and/or occupants of any building and/or to any member/s of the public affected thereby.
- (f) Any advertisement or sign which is prohibited in terms of any Town Planning Scheme Regulation or other legislation.
- (g) Any advertisement or sign not erected in accordance with these Bylaws or not in accordance with the specifications approved by the City Council, or the terms or conditions attached by the Council to any such approval.
- (h) Any advertisement or sign which may obscure, obstruct or interfere with any traffic sign or signal for traffic control, or which is likely to interfere with or constitute a danger or potential danger to traffic, shipping or aircraft or to the public in general.
- (i) Any advertisement or sign which may inhibit or obstruct the motorists' vision or line of sight thus endangering vehicular and pedestrian safety.
- (j) Any form of bill-sticking by means of posters or placards to any existing structure without the approval of the Council.

### **13. DISCRETIONARY POWERS**

The Council or its delegated officer/s shall exercise discretionary powers to permit or not to permit advertising signs in terms of the provisions of these Bylaws in the following cases:

- (a) Any advertisements on a portable board displayed on a street pavement;
- (b) Any mobile advertising vehicles and their approved designated positions of display as designated in the Advertising Policy;
- (c) Advertisements or signs painted on or in any way affixed to the surface of any window other than a display window;
- (d) Advertisement or signs on top of a canopy or veranda;
- (e) Advertisements painted on roofs or displayed or erected as a sky sign in an area other than industrial or harbour zone;
- (f) Advertisements or signs displayed or erected in an area other than industrial or general business zone;
- (g) Advertisements or signs made of certain materials not considered by the Council to be suitable or appropriate for the intended purpose;

- (h) Banners and flags affixed to flagpole/s as a ground sign or attached to an existing building or structure;
- (i) Any remote or third party advertising signs, sponsored signs and signs for non-profit and charitable organisations and institutions; and
- (j) Any advertisement on a structure by a media house (for example newspapers) announcing media headlines, at a fee to escalate annually.
- (k) Any advertisements or signs of dimensions not in accordance with the provisions of these Bylaws or any other relevant legislation.
- (l) Any minor amendment/s to an application at a reduced application fee.

#### **14. SIGNS ON COUNCIL PROPERTY & TEMPORARY ADVERTISEMENTS**

Temporary advertisements and signs on Council property are subject to Council's specific consent as set out in these Bylaws. Permanent advertisements and signs on Council Property; i.e. street furniture, street name signs, dustbins, bus shelters, suburban and community advertisements and any other remote advertising signs are subject to Council's specific authority and/or tender procedure. The Council shall be obliged to set out and agree to the specifications and required performance standards for these signs prior to calling for proposals.

#### **15. TYPES OF SIGNS**

##### **(1) BILLBOARDS**

- (a) Every person who wishes to display or cause to display a billboard advertisement shall submit to the Council a written application on the prescribed form and pay the prescribed fee. Such applications shall be accompanied by an Environmental Impact Assessment in the case of billboards in excess of 36m<sup>2</sup> and/or for smaller billboards at Council's discretion.
- (b) This type of sign shall be permitted only in urban areas of minimum control and in urban areas of partial control at Council's discretion, subject to specific consent and assessment of their environmental impact as required, which shall include the visual, social and traffic safety aspects.
- (c) The name of the owner of the billboard or sign must be clearly displayed on all boards together with the identification number approved by Council.
- (d) Any billboard so displayed shall :
  - (i) comply with all legal requirements of the South African National Roads Agency Limited and Road Traffic Act where applicable;



- (ii) comply with any other applicable National, Provincial or Local Government legislation and policy, including these Bylaws and Council's Policy on Outdoor Advertising;
  - (iii) not be erected within an area of maximum control unless, after an Environmental Impact Assessment and public participation process, the Council identifies that such area, subject to such terms and conditions as it may impose, may be reclassified as an area of lesser control, which may not be relaxed further than the control type in the area adjacent to the site in question;
  - (iv) not be detrimental to the nature of the environment in which it is located by reason of abnormal size, intensity of illumination or design;
  - (v) not be in its content objectionable, indecent or insensitive to any sector or member of the public;
  - (vi) not unreasonably obscure partially or wholly any approved sign previously erected and legally displayed;
  - (vii) not constitute a danger to any person or property;
  - (viii) not encroach over the boundary line of the property on which it is erected; and
  - (ix) not be erected if considered by the Council to be a distraction to drivers, cyclists or pedestrians which could contribute to unsafe traffic conditions.
- (e) The positioning of billboards shall :
- (i) be spaced at least 120m; 200m or 250m apart when in view of each other on the side of the road/s to which they are directed or aimed with up to 60km/h; 80km/h or 100km/h+ speed limit respectively;
  - (ii) not be erected within 100m from the ramp gore of public roads and from overhead traffic directional signs;
  - (iii) not be permitted within a radius of 100m from the centre of an intersection on any arterial road and within a radius of 50m from the centre of an intersection on any lower order road;
  - (iv) not have an overall height in excess of 12m above the surface of the road level to which it is aimed;
  - (v) not have an overall dimension which exceeds 64m<sup>2</sup> in the case of ground signs and 54m<sup>2</sup> in the case of wall signs provided that the size of a wall sign will depend on the size of the specific side wall and on factors such as the character of the building and the streetscape as a whole;

- (vi) not have as main colours, red or amber or green when located at signalised traffic intersections and shall not obscure or interfere with any road traffic light or sign;
- (vii) not constitute a road safety hazard or cause undue disturbance or permitted to be illuminated if such illumination, in the opinion of Council, constitutes a road safety hazard or causes undue disturbance;
- (viii) ensure that the traffic flow is not impeded during their erection and servicing on public roads unless prior permission from the Council has been obtained and the necessary precautions taken and arranged;
- (ix) in the case of wall signs, be attached only to the side and back walls of buildings which do not fulfil the function of a street or front façade of the building.

## **(2) GROUND SIGNS**

- (a) Only one on-site, locality bound, freestanding ground sign per premises shall be permitted either where such a sign is necessary to facilitate the location of the entrance or access to a business premises; or where it is not reasonably possible to affix appropriate signs to the building; or where the business premises is so set back as to make proper visibility of signs on the building not feasible; or where the existence of a freestanding composite sign may prevent the proliferation of signage.
- (b) On-site, locality and non-locality bound freestanding ground signs in the form of business signs and tower structures may not exceed 7,5m in overall height and 6m<sup>2</sup> in total area. In addition they may not exceed 4,5m<sup>2</sup> in total area in respect of any individual advertisement thereon and have a clear height of less than 2,4m. Where a more solid structure is used, the maximum area per sign may be increased to 9m<sup>2</sup> and where the sign incorporates a combination sign, the maximum area per signage structure may be increased to 12m<sup>2</sup>. Only one sign or advertising panel on a combination sign shall be allowed per enterprise per street frontage.
- (c) A remote, non-locality bound ground sign which does not have an overall height in excess of 7,5m above the ground at any point nor dimensions which exceed 6m in length and 3m in height, a total area of 18m<sup>2</sup>, shall be deemed to be of appropriate dimensions; provided that a ground sign which has greater dimensions shall not be erected unless, in the opinion of the Council, such sign will be or is deemed to be erected or displayed in an appropriate place.
- (d) All signs erected on a monopole shall be appropriately designed so that the height of the support is proportionally not too long in relation to the size of the sign.
- (e) A maximum of 2 pylon signs per tower, bridge or pylon shall be permitted. The maximum sign area per tower may not exceed 36m<sup>2</sup>. The

sign must be wholly contained within the structure and must have no projections.

- (f) Every ground sign or sign on towers, bridges and pylons shall be independently supported and properly secured to an adequate foundation and be without the aid of guys, stays, struts, brackets or other restraining devices and/or be entirely self supporting and not dependant upon any existing structure for its support in any way.

### **(3) WALL SIGNS**

#### **(a) Flat signs**

- (i) Unless otherwise stipulated, flat signs shall at no point project more than 300mm from the surface of the wall to which they are attached. The maximum projection of any part of a flat sign shall be 100mm where the underside of such sign measures less than 2,4m from a footway or pathway immediately below it and the maximum projection shall be 300mm where the underside of such sign measures more than 2,4m above such footway or ground level.
- (ii) On-site, locality bound flat signs shall be permitted to be attached to the front, side and back walls of buildings; remote, non-locality bound flat signs shall only be permitted to be attached to the side and back walls of buildings which do not fulfil the function of a building façade; and to construction site boundary walls and fences.
- (iii) No more than two locality bound flat signs per enterprise shall be permitted and no more than one non-locality bound flat sign per wall shall be permitted.
- (iv) Flat signs shall not cover any windows or other external openings of a building or obstruct the view from such openings.
- (v) Flat signs shall not exceed 54m<sup>2</sup> in total area and shall not exceed 30% of the overall area of the wall surface to which they are attached, affixed or painted, whichever is the lesser, provided that in urban landscapes of maximum control the signs may not exceed 20% of the wall surface area.
- (vi) An Environmental Impact Assessment shall be required for all flat signs in excess of 36m<sup>2</sup>.

#### **(b) Projecting signs**

- (i) The minimum clear height of a projecting sign shall be in excess of 2,4m.
- (ii) Projecting signs shall be 300mm in maximum thickness.

- (iii) Projecting signs shall not be allowed to extend within 600mm of the edge of a roadway.
- (iv) The maximum projection shall be 1,5m in the case of a projecting sign which has a clear height of more than 7,5m; and 1m where the sign has a clear height of less than 7,5m.
- (v) Projecting signs shall be installed perpendicular to the street façade or to the direction of oncoming traffic.
- (vi) All projecting signs shall be locality bound.

**(4) ROOF SIGNS**

- (a) The maximum permitted size of a roof sign shall be 18m<sup>2</sup> or 6m<sup>2</sup> per face for three-sided units; provided that only one sign per building shall be allowed.
- (b) Roof signs shall not project in front of a main wall of a building so as to extend beyond the roof of such building in any direction.
- (c) Roof signs shall not obstruct the view or affect the amenity of any other building.
- (d) Roof signs shall be placed in such a manner so as not to interfere with the run-off of rainwater from the roof of the building.
- (e) Roof signs shall be thoroughly secured and anchored to the building on or over which they are to be erected and all structural loads shall be safely distributed to the structural members of the building without the use of guys, stays or other restraining devices.
- (f) A roof sign, including all its supports and framework, shall be constructed entirely of non-combustible materials approved by the Council or its duly authorised official/s and if illuminated, shall not be placed on or over the roof of any buildings unless such sign, as well as the entire roof construction, is of non-combustible material.
- (g) Roof or sky signs shall only be permitted in areas of minimum control; only locality bound roof or sky signs shall be permitted and only with the specific consent of the Council.

**(5) VERANDA, BALCONY, CANOPY & UNDER-AWNING SIGNS**

- (a) Signs may be affixed flat onto or painted on a parapet wall, balustrade or railing of a veranda or balcony, and beam or fascia of a veranda or balcony. Such signs may not exceed 1m in height, project beyond any of the extremities of the surface to which it is affixed, or project more than 300mm in front of the surface to which it is affixed or extend within 600mm of the edge of a roadway.

- (b) Signs may be affixed flat onto or painted on supporting columns, pillars and posts. Such signs may not project more than 50mm in front of the surface to which it is affixed and shall not extend beyond any of the extremities of such column, pillar or post. Sign affixed flat onto cylindrical supporting structures shall be curved to fit the form of such structure and only one sign shall be allowed per column, pillar or post.
- (c) Subject to the provisions of subsections (a) and(b), signs shall not be allowed on or over architectural features of buildings nor shall they be allowed to cover any window or obstruct the view from any such opening.
- (d) Under-awning signs suspended below the roof of a veranda, canopy or balcony shall have a maximum sign area of 1m<sup>2</sup> per face with a maximum of 2m<sup>2</sup> in total sign area and shall not exceed 1,8m in length or 600mm in height. The allowable thickness of such signs is between 100mm and 300mm. Every such sign shall be perpendicular to the building line and fixed at a clear height of not less than 2,4m. Only one sign per enterprise façade shall be allowed with a minimum spacing of 3m centre to centre between signs. Such signs shall not extend beyond the external edges of the canopy or veranda to which it is attached.
- (e) Signs on the roof of a veranda, canopy or balcony, excluding the main roof of a building, shall be composed of a single line of freestanding, individual, cut out logos and/or letters without visible bracing or support. Signs shall only be placed on top of veranda roofs where such veranda does not have an appropriate wall, railing or beam to which the sign may be affixed. All such signs shall not extend beyond the extremities of the veranda roof, canopy or balcony and only one sign per enterprise façade shall be allowed with a maximum height of 1m.
- (f) Sun-blinds and awnings shall be so made and fixed as to be incapable of being lowered to less than 2m above the footway or pavement directly beneath it. Such signs shall be parallel to the building line and placed in a manner so as not to interfere with vehicular or pedestrian traffic, traffic lights or traffic signs in any way.
- (g) Signs on adjacent buildings shall be aligned as far as possible in order to achieve a straight line or parallel configuration.

## **(6) POSTERS, BANNERS AND FLAGS**

- (a) Every person intending to display or cause or permit to be displayed any advertisement relating to an election or advertising any meeting, function or event of a sporting, civic, cultural, social, educational, religious, charitable, political or other similar character in any street or public place or on Council property shall first obtain the written permission of the Council.

- (b) Every application for permission shall be made on the prescribed form and be accompanied by the prescribed fee and deposit as contained in the Schedule of Advertising Sign Charges (Schedule A); such deposit shall be refunded when all the advertisements have been removed to the satisfaction of the Council. The applicant shall on application submit a copy of all the posters to which the application relates and written details of the streets in which the posters are to be displayed.
- (c) Any person who displays or causes a poster, banner or flag advertisement to be displayed shall comply with the following requirements to the Council's satisfaction :
- (i) Any advertisement relating to an election, meeting, function or event shall be a maximum size of 600mm high x 450mm wide; shall have a clear height of minimum 2m; and shall be securely fixed to durable hardboard or other approved backing board.
  - (ii) Any banners or flags shall be suspended between non-corrosive pole/s or other approved support/s; and which shall be placed and fastened in such a manner so as not to constitute a danger to any vehicular traffic, pedestrian, person/s or property in any street, public place or Council property.
  - (iii) Any person/s or, in the case of election advertising, each political party displaying or causing to display any poster advertisement relating to the same meeting, function or event shall only be permitted one poster per electricity lamp-post. No posters are permitted to be displayed on bridges, traffic lights, traffic signs, natural features, freeways and/or national routes.
  - (iv) Any advertisement relating to an election, including the advertising sign charges applicable to such election advertisements shall be subject to a fixed refundable deposit as determined by the Council from time to time.
  - (v) Any advertisement relating to a meeting, function or event other than an election, shall not be displayed for longer than 14 days before the day on which it begins or longer than three days after the day on which it ends. Election advertisements may be displayed from the beginning of the day of declaration of an election to the end of the third day after the election.
  - (vi) The total number of posters displayed at any one time relating to any meeting, function or event may not exceed 100, except in special circumstances and with the consent of Council. In the case of election advertisements, no limitation will be placed on the number of posters displayed.
  - (vii) Any advertisement relating to an election, including the advertising sign charges applicable to such election advertisements, shall be on the basis of a written agreement between the Independent Electoral Commission and the relevant political party/parties.

- (viii) Banners or flags approved in terms of this section may not be larger than 6m<sup>2</sup>.
  - (ix) Auction posters approved in terms of this section may not be larger than 3m<sup>2</sup>.
  - (x) Banners and flags may be applied for as directional advertising for streetscaping urban areas such as pedestrian malls and gateways or for displaying only the name, corporate symbol and nature of enterprises.
- (d) Every poster for which permission is granted shall be provided with a Council sticker or marking which shall be visibly displayed to indicate the Council's approval and the Council shall be entitled to retain one such poster for identification purposes.

**(7) ESTATE AGENTS BOARDS & OTHER PORTABLE BOARDS**

- (a) Every agent or person intending to display, cause or permit to be displayed any such portable board, shall annually submit the prescribed, written application to the Council and pay the prescribed fee for approval of the number of portable boards specified in such application.
- (b) Any person who displays or causes any such portable board to be displayed on any Council Property other than a road reserve, unless specific approval has been granted for the display on other property of Council, shall comply with the following requirements to the Council's satisfaction :
  - (i) Such portable boards are only to be used for the purpose of indicating the route to the property or premises to be sold or advertised.
  - (ii) Such portable boards are to be of appropriate structure and size, estate agents boards to be a maximum size of 450 mm x 600 mm and other portable boards to be a maximum size of 900 mm x 1200 mm and collectively the number of boards displayed may not, in the opinion of the Council, detract from the amenities of the streetscape or environment.
  - (iii) Subject to the provisions of the Road Traffic Act and other applicable legislation, such portable boards are not to be positioned nearer than 1,8m from the edge of the roadway, and placed at such height that the lower edge of the board does not exceed 600mm above the ground.
  - (iv) Such portable boards are not to be positioned nearer than 10m from any road intersection, entrance or exit from a dual carriage way or a freeway as defined in the Road Traffic Act or other applicable legislation.
  - (v) Such portable boards are not to be positioned so as to obstruct the view of any road traffic sign or street name sign from any portion of a roadway as defined in the Road Traffic Act or other applicable legislation.

- (vi) Such portable boards are not to be positioned so as to hinder or obstruct pedestrians' right of way on a sidewalk or to unfairly prejudice other traders.
- (vii) The display of portable boards for show-houses will only be permitted on Saturdays, Sundays and public holidays. Other approved portable boards advertising services may only be displayed during normal trading hours, where-after they shall be removed.
- (viii) Only one such portable board per street frontage per enterprise shall be allowed to advertise services and such signs shall be placed directly in front of the advertiser's premises.
- (ix) Applicants will be required to indemnify the Council against any claims that may arise from the placement of such signs within the road reserve or on Council Property and shall be required to procure third party insurance for this purpose.

## **(8) AERIAL ADVERTISEMENTS**

- (a) Every person who wishes to display or cause to display an aerial advertisement, except by means of an aircraft, shall submit to the Council a written application on the prescribed form and pay the prescribed fee and such application shall be accompanied by :
  - (i) Particulars of the content and dimensions of the aerial advertisement and of the aerial device by means of which the advertisement is to be displayed as well the materials used and method of construction and anchorage;
  - (ii) Particulars of the intended location with a description of the premises to which the aerial device will be anchored or tethered and details of electricity and telephone poles and cables and other structures within 30m of the point of anchorage;
  - (iii) The name and address of the person/s or contractor/s displaying the aerial advertisement and the name and address of the approved competent person in attendance of the aerial device and of its owner;
  - (iv) The period and times of intended display;
  - (v) Where the applicant is not the owner of the premises to which the aerial device is to be anchored or tethered, the written consent of the owner for such anchoring;
  - (vi) Proof of the provision of an automatic deflation device;
  - (vii) Adequate public liability insurance to the Council's satisfaction; and



(viii) Approval and any conditions and requirements prescribed by the national Civil Aviation authority.

(b) No aerial advertisement shall be displayed or caused to be displayed on, from or over Council property, including any street or public place, unless approval has been granted by the Council who may impose such conditions as it deems fit.

## **(9) ADVERTISING VEHICLES**

(a) Every person who wishes to display or cause to display any advertisement on an advertising vehicle shall annually submit to the Council a written application on the prescribed form and pay the prescribed fee, and such application shall be accompanied by :

(i) Particulars of the materials of which the advertising sign is made, its dimensions, and the manner of its construction and the method by which it is secured to the advertising vehicle;

(ii) The name, address and telephone number of the owner of the vehicle or, if the owner resides or has his place of business outside the boundaries of the Council, of the person having control over the vehicle at all times;

(iii) A copy of the current vehicle licence issued in respect of such vehicle as well as the registration as required in terms of the Road Traffic Act.

(b) No advertising vehicle shall be placed or caused to be placed on private property or Council Property, including any demarcated parking bay, in a public road or within a road reserve -

(i) unless the prior written approval of the Council has been obtained in terms of these Bylaws and designated display site(s) have been approved in terms of Council's Advertising Bylaws; and

(ii) provided that if no approved designated site(s) exists, Advertising Vehicle signs shall only be permitted to be displayed if they are mobile at all times and comply with legislation and conditions imposed by the Council.

(c) Advertising Vehicles parked on private property for the purpose of storage shall be positioned in such a manner as not to be visible from a street or public place.

(d) The advertising panel or portion of the vehicle used for transit advertising shall not exceed a cumulative total of 6m<sup>2</sup> per panel.

- (e) Notwithstanding any provisions of these Bylaws, the Council or its authorised officials may, without prior notice, remove an Advertising Vehicle from Council Property, and in the case of an unauthorised Advertising Vehicle on private property, the Council may serve notice instructing the immediate removal thereof, failing which the Council may, without a court order, enter onto the private or Council property concerned to remove or arrange for the removal of the advertising vehicle.
- (f) Unless an advertising vehicle impounded by the Council in terms of subsection (e) has been reclaimed within a period of three months from the date of notification, such vehicle shall be disposed of by the Council to defray any costs involved. Impounded Advertising Vehicles shall only be released by Council after all removal costs and fines have been paid in full and a copy of the current licence registration papers have been submitted for verification.

## **16. AREAS OF CONTROL**

\* Refer to Schedule B

## **17. REPEAL OF BYLAWS**

- (1) Amendments to the Bylaws relating to the control of outdoor advertising for the Borough of Richards Bay, published on 28 June 1990 under the Municipal Notices of the Provincial Gazette of Natal No. 17 of 2002, are hereby made to and replaced by these Bylaws, which are to become effective on promulgation thereof.
- (2) Anything done under or in terms of any provision repealed by these Bylaws amendments shall be deemed to have been done under the corresponding provisions of these Bylaws and such repeal shall not affect the validity of anything done under the Bylaws so repealed.
- (3) Any application submitted to Council, anything done which was not done in terms of a provision of the repealed Bylaws and/or any application or anything pending before the Council prior to promulgation of these Bylaws, shall be dealt with in terms of these Bylaws amendments.
- (4) Any sign lawfully displayed on the date of promulgation which complies with the provisions of these Bylaws and the amendments thereto may continue to be displayed and shall be deemed to have been approved in terms of the Bylaws.
- (5) Any sign lawfully displayed on the date of promulgation of these amendments to the Bylaws which does not comply with the provisions of these Bylaws may continue to be displayed provided that no deviation, renovation or reconstruction is made to such sign without first complying with the provisions of these Bylaw amendments.

**SCHEDULE A : ADVERTISING SIGN CHARGES**

**A. APPLICATION FEES AND DEPOSITS FOR A LICENCE/PERMIT FOR OUTDOOR ADVERTISING**

Every person who applies to Council for its approval or permission shall on making application pay to Council the charge determined from time to time as per Councils Tariff of Charges, therefore and no application shall be considered until such charge has been paid.