



KWAZULU-NATAL PROVINCE  
KWAZULU-NATAL PROVINSIE  
ISIFUNDAZWE SAKWAZULU-NATALI

**Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe**

(Registered at the post office as a newspaper) • (As 'n nuusblad by die poskantoor geregistreer)  
(Irejistiwee njengephephandaba eposihhovisi)

PIETERMARITZBURG

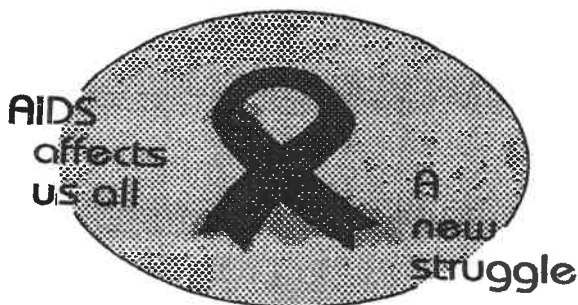
Vol. 14

18 JUNE 2020  
18 JUNIE 2020  
18 KUNHLANGULANA 2020

No. 2189

PART 1 OF 2

**We all have the power to prevent AIDS**



**Prevention is the cure**

**AIDS  
HELPLINE**

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DEPARTMENT OF HEALTH

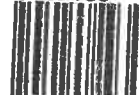
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ISSN 1994-4558



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**MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS**

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**MUNICIPAL NOTICE 29 OF 2020****MUNICIPAL OUTDOOR ADVERTISING SIGNS BYLAWS**

*The uMhlathuze Municipality has, in terms of Section 156 of the Constitution, 1996 (Act No 108 of 1996) read in conjunction with section 12(3) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), passed a resolution for the adoption of the Municipal Outdoor Advertising Bylaw as below, which will come into operation on the date of publication hereof. The Municipal Advertising Sign Bylaw as promulgated in the Provincial Gazette Number 17 of 2002 under Notice Number 17 dated 7 June 2002 (as amended) is hereby repealed.*

**uMHLATHUZE MUNICIPALITY****MUNICIPAL OUTDOOR ADVERTISING SIGNS BYLAWS**

*The Council of 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), and The South African Manual for Outdoor Advertising Control made the following bylaws:*

**BY-LAW FOR THE CONTROL OF OUTDOOR ADVERTISING SIGNS**

This bylaw is applicable to and regulates all outdoor advertising in the City of uMhlathuze area of jurisdiction.

The bylaw shall –

- strike a balance between Outdoor Advertising opportunities and economic development on the one hand and the conservation of visual, tourism, traffic safety, environmental and heritage characteristics on the other hand; and
- set out the legal requirements for aspects such as application procedures, safety, amenity and decency, the design and construction of signs, offences and penalties, as well as the types of signs and the regulation of their display.

**PREAMBLE**

**WHEREAS** section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the right to administer local government matters listed in Part B of Schedules 4 and 5; and

**WHEREAS** section 156(2) of the Constitution empowers municipalities to make and administer by-laws for the effective administration of the matters they have the right to administer; and

**WHEREAS** the control of outdoor advertising falls within the ambit of the powers vested in a municipality; and

**WHEREAS** the uMhlathuze Municipality has resolved to promulgate the by-law as set out below in terms of section 12 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000); and

**WHEREAS** the erection of a sign in terms of this By-law is regarded as a use of a property over and above the provisions of uMhlathuze Land Use Scheme; and

**WHEREAS** the uMhlathuze Municipality in terms of the Local Government Property Rates Act, 2004 may determine the categories of rating in terms of section 8 of the said Act where signs have been erected without the express written permission of the City; and

**WHEREAS** in the control and management of advertising the property may only be "permitted to be used" for advertising, if such advertising is approved in terms of this By-law; and

**WHEREAS** the uMhlathuze Municipality seeks to manage signs that are erected on land where it is not permitted herein;

**BE IT THEREFORE ENACTED** by the uMhlathuze Municipality as follows:

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**CHAPTER 1****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 capable of being 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 written 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.

**"Authorised official"** any person declared in terms of Section 1 or section 334(1) of the Criminal Procedure Act, 1977 (Act no.51 of 1977) as a peace officer and who is competent under such sections to enforce by-laws and regulations of a Municipality "or any other person authorised to enforce the by-laws and regulations of the municipality" in terms of the Local Government: Systems Act, 2000 (Act no. 32 of 2000) to enforce the by-laws and the regulations of the municipality".

**Balcony, veranda, canopy and under-awning sign** means a sign that is affixed or painted—

- (a) on a parapet wall, balustrade or railing of a building or structure;
- (b) on a fascia of a building or structure;
- (c) on the fascia of a roof structure without walls;

on a pillar, column or post supporting a roof structure without walls

**"Banner"** means a piece of cloth or other flexible material as may be determined by the Municipality, upon which an advertisement is displayed in such a manner as to be fully legible, attached to poles or flagstaff projecting vertically, horizontally or at an angle by means of ropes or brackets, or is attached to buildings or special structures which in the opinion of the Municipality can be regarded as a banner, but excludes banners carried as part of a procession;

**"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 consists of letters, digits, symbols, logos, graphics, illustrations or abbreviations. For the purposes of this by-law, bit values are calculated as follows:

Words such as "a", "the", "than", "and", "an"	0,25 bits
Words of up to eight letters	1,0 bit
Words of more than eight letters	2,0 bit
Numbers of up to four digits	0,5 bit
Numbers of five to ten digits	1,0 bit
Symbol or abbreviation	0,5 bit
Logos and graphics	0,5 bit

**"Bridge sign"** means an advertising sign - affixed to a bridge, or a bridge constructed for pedestrian movement, or a bridge constructed for other purposes as may be determined by the Municipality;

**"Boundary wall sign"** means an advertising sign painted or affixed onto a wall or fence intended as a boundary wall or structure within two metres (2m) of a boundary of a property (premises);



**"Building wraps sign"** means an advertising sign of vinyl mesh or similar material displayed on a building as may be determined by the Municipality from time to time;

**"Candela"** means a unit of luminance as determined from time to time by the International Commission on Illumination;

**"Consent"** means a written authorisation, issued by the Municipal Planning Approval Authority and may include **"consent uses"** and **"formal authority uses"** to use or develop a property for a permitted purpose or in a particular manner contemplated in the uMhlathuze Land Use Scheme and may include but not limited to formal authority and relaxations

**"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

**"Combination sign"** means an advertising sign that consists of a number of smaller, individual panels, usually displaying different products or services, placed adjacent to each other on a single structure specially designed to accommodate more than one sign;

**"Commercial event"** means an event taking place on premises with the purpose of promoting the sale of a product or service;

**"Community newspaper"** means a newspaper containing community news, circulated free of charge in a specific geographical area;

**"Construction site sign"** means an advertising sign affixed against or behind a fence or wall;

**"Criminal Procedure Act"** means the Criminal Procedure Act, 1977 (Act no.51 of 1977)

**"Cultural event"** means an event promoting the fine arts or other human intellectual achievement and its purpose is not primarily of a commercial nature;

**"Custom-made billboard"** means an advertising sign not less than 18 m<sup>2</sup> and not more than 81 m<sup>2</sup>;

**"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

**“Development sign”** means an advertising sign describing the type of development to be carried out or being carried out on a construction site;

**“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

**“Dispose of”** means the destruction, overturning (or capsizing), auctioning, selling or recycling of any sign by the municipality and shall include, but not limited to advertising structures, trailers, advertisements, solar power kits and electricity meters attached to or part of a sign, including foundations and underground connections

**“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

**“Engineer”** means an engineer registered in terms of relevant legislation;

**“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

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

**“Flag”** means a piece of cloth (or similar material) upon which an advertisement is displayed;

**“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.

**“Forecourt”** means an outdoor area that forms a legal and functional part of the premises of a business enterprise, and includes the area of a filling station where the fuel pumps are situated, or a terrace in front of a restaurant, including enclosing fences, walls, screens or similar structures, and excluding sidewalk areas intended for pedestrian circulation;

**“Forecourt sign”** means an advertising sign on a forecourt of business premises;

**“Freeway”** means a road that has been designated as a freeway by appropriate road traffic sign in terms of the National Road Traffic Act as amended from time to time;

**“Free-standing”** means a structure supported by pole, base or foundation and shall exclude a building approved in terms of the National building regulations;

**“Free-standing sign at educational facilities and institutions”** means an advertising sign that may indicate the name and nature of the institution and the name of a sponsor, and that may also display commercial advertising;

**“Full video”** means a sign displayed as a video and that contains variable messages

**"Functional sign by a public body"** means an advertising sign displayed solely for announcement or direction or information related to any of the functions of local, provincial and national government or parastatal bodies and their operation;

**"Gantry billboard"** means an advertising sign that spans or partially spans across a road;

**"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

**"Hand-held sign"** means an advertising sign(s) carried by a person(s) to promote a sale, product, service and includes the promotion of hairstyles;

**"High-impact sign"** means a billboard, electronic sign, product replica and three-dimensional sign 18 m<sup>2</sup> or larger in sign area, or any other sign (which include smaller electronic signs) that in the opinion of the Municipality may have a high impact on road safety, aesthetic or environmental aspects;

**"Home enterprise"** means the practice of an activity, business, hobby or occupation in a dwelling unit, excluding a commune, guest house, block of tenements, boarding house, hostel and hotel, with the aim of deriving an income therefrom subject to Schedule 9 in the relevant land use scheme as amended from time to time sale, product, service and includes the promotion of hairstyles;

**"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

**"Locality-bound sign"** means an advertising sign displayed on specific property that refers to an activity, product, service or attraction located, rendered or provided on those premises;

**"Municipality"** means the City of uMhlathuze Municipality or its successor in title as envisaged in section 155(1) of the Constitution and established by Notice 1866 of 2010 in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and, for the purposes of this by-law, includes the head of the Spatial Planning department, outdoor advertising committee or official or group of officials duly delegated in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000) to perform any duties assigned to them in terms of this by-law, the Municipal Planning Tribunal or the authorised official, where the context so requires;

**"Municipal manager"** means the person appointed as the municipal manager for the City of uMhlathuze in terms of Section 82 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998), and includes any person acting in that position or to whom authority has been delegated;

**"National building regulations"** means the National Building regulations and Standards Act, 103 of 1977

**"Newspaper"** means a publication issued daily or weekly, usually consisting of folded unstapled sheets and containing news, articles and advertisements;

**"Non-motorised Transport (NMT)"** means human- and animal-powered transportation that includes activities such as walking, cycling, rick-shawing, skating/ rollerblading, as well as transportation such as shopping trolleys, manual wheelchairs and animal-drawn carts

**"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

**"Real estate agent"** means any person as defined in the Estate Agency Affairs Act, 1976 (Act 112 of 1976);

**"Real estate agent sign"** means an advertising sign advertising the fact that land, premises, property, a development or other form of immovable property or interest or real right in property are for sale, sold, on show or to let, or directional information and "real estate agency sign" has the same meaning;

**"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

**"Property"** means any portion of land, erf, erven, lot, plot, stand, portion or part of farm portions of agricultural holdings, registered in the deeds registry as such;

**"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

**"Public street"** means a road, street or thoroughfare or other right of way to which the public has a right of access or that is commonly used by the public for vehicular or pedestrian access 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 median, island, edge and sidewalk, and it includes provincial and national roads;

**"Pylon sign"** means an advertising sign consisting of a number of smaller, individual panels, usually displaying the identification of different commercial businesses, placed adjacent to each other on a single structure specially designed to accommodate more than one advertisement ;

**"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 reserve boundary"** means the boundary forming the outer edge of the road reserve;

**"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

**"Rural area"** means an area of relatively low population density forming a transition between urban areas and natural areas and includes intensive agriculture, subsistence agriculture and smallholdings of a predominantly rural nature;

**"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

**"Security sign"** means an advertising sign for a neighbourhood watch, farm watch or similar schemes;

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

**"Sign painted on the walls and roof of a building"** means an advertising sign painted directly onto the main walls or roof of a building used for commercial, office, industrial or entertainment purposes;

**"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

**"Spectacular signs"** means advertising signs with a sign area exceeding 81m<sup>2</sup>;

**"Street furniture"** means public facilities and structures which are not intended primarily for advertising and includes seating benches, planters, sidewalk litter bins, reservoirs, community halls, sports facilities, 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

**"Third-party advertisement"** means an advertisement that is displayed or distributed on a property, which is unrelated to the business carried out on the property

**"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

**“Termination of a pregnancy”** means the separation and expulsion, by a medical practitioner registered as such under the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act no. 56 of 1974) or surgical means of the contents of the uterus of a pregnant woman;

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

**“Vehicle”** shall bear the meaning of “vehicle” under the Road Traffic Act

**“Vehicular advertising”** means outdoor advertising on self-driven vehicles that are normally driven on land or water and which are normally moving;

**“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

**“Wayleave”** means an application as determined in the Municipality’s work in the public road reserve bylaw as amended from time to time;

**“Window sign”** means advertisements that are painted on or attached to the window-glass of a building, or any other permanent sign that is displayed inside a building within 2 metres of any window or other external opening through which it can be seen from outside such a building.

**“Zone”** means the use zone as defined in the uMhlathuze Land Use Scheme.

## 2. SCOPE OF THIS BY-LAW

1. This by-law is applicable to and regulates outdoor advertising in the jurisdiction of the uMhlathuze Municipal area.
2. This by-law shall apply to any property and public space within the jurisdiction of the uMhlathuze Municipality irrespective of ownership or control and management of the property or public space by any sphere of government in so far as it relates to a sign as defined in terms of this by-law and related Municipal policies, read with Schedule 4 and 5 of the Constitution of South Africa, 1996.
3. This by-law shall apply to any person or organ of state advertising on any sign erected within the jurisdiction of the Municipality as defined in terms of this by-law.
4. This by-law shall apply irrespective of any zoning or other permission for the use of property or public space in terms of any other legislation or agreement that may have been entered into by any owner, occupant or user of any property or public space.
5. The approval of a sign in terms of this by-law must not be construed as approval in terms of any other act, ordinance, by-law or regulation, and approval must be obtained in the manner prescribed in the relevant act, ordinance, by-law or regulation.
6. Any sign as defined in terms of this By-law, indicated on any other application required by the Municipality in term of any legislation, as part of a requirement for information and evaluation, shall not be approved by virtue of that application, but shall be dealt with in terms of this By-law.
7. With the exception of street furniture signs, no person may allow another person to erect, distribute, maintain or display a third party advertisement, except where the

property or public space is in an area of partial or minimum control and only after the municipality has specifically consented to this.

8. No person may build, erect, distribute, hoist, maintain or display a sign or allow any other person to do so in a place or on a building or structure that it is visible from any property or public space without the consent of the Municipality.
9. Notwithstanding the area of control, the municipality may designate roads or portions of a road as a protected area where free-standing -and or street furniture signs shall not be permitted.

### **3. GENERAL PROVISIONS**

#### **TRANSITIONAL PROVISIONS**

1. Any approved site(s) not in the process of development or developed within three months from the date of promulgation of this bylaw will be invalid and the Municipality may accept new applications for the erection of an advertising sign(s) on the site and or immediate vicinity.
2. Any advertising sign which was erected or displayed prior to the date of promulgation of this bylaw but which is prohibited by this bylaw must be removed at the expiration of the approval period. If proof of approval by any former local authority can be furnished, the advertising sign may remain until the original approval period expires. If no approval period was specified, an approval period not exceeding three years from promulgation of this bylaw shall be valid where after the advertising sign must be removed within 30 days of the latter approval period having lapsed.
3. The owner of the advertising sign(s) erected or displayed on the date of promulgation of this bylaw but which in terms of this bylaw may not be so erected or displayed without the approval of the Municipality and/or another authority, must submit an application for consideration by the Municipality within ninety (90) days of the date of promulgation of this bylaw. If proof of approval by any former local authority can be furnished, the advertising sign may remain until the original approval period expires. If no such period was approved, an approval period not exceeding three (3) years shall be valid.
4. If approval for an advertising sign has been refused, the advertising sign must be removed by the owner within twenty one (21) days of receipt of notification of such refusal by the Municipality. Where such a notification has been sent by registered mail, the owner will be deemed to have received it eight days after being posted.
5. The Municipality may, after the expiry of an agreement signed prior to the commencement of this bylaw, decide whether such agreement may be renewed and determine the period of such renewal. No automatic renewal of any agreement shall be granted.

### **4. APPLICATION FOR ERECTION OF SIGNS**

1. Every application to display a sign on property or public space must be signed by the person(s) required by the Municipality and must be submitted in accordance with the application procedures approved by the Municipality as amended from time to time. 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.
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. All signs to be erected or displayed must comply with the applicable uMhlathuze Land Use Management Scheme, as well as other relevant legislation, as amended from time to time.
  5. 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.
  6. The Municipality may request any additional information it considers necessary, including but not limited to an environmental impact assessment (EIA), approved site development plan, approved building plan, heritage impact study report, town-planning approval or independent traffic impact study report in order to consider an application.
  7. The Municipality may refuse any application submitted or grant its approval to any condition which it may deem expedient, including a condition that the owner of any sign or the owner of the land or building on which such sign is to be erected, or both such owners, indemnify the Council to its satisfaction against any consequence flowing from the erection, display or mere presence of such sign.



8. Every application (with the requisite documentation as specified in the outdoor advertising application procedure policy) must be accompanied by a full application fee.
9. In the evaluation of applications, the municipality may require from the applicant any other supporting documentation to substantiate an application received and may refuse the application or approve it, subject to any amendment or condition it considers appropriate.
10. The evaluation of applications includes the consideration of areas of control, environmental-, traffic safety-, non-motorised transport-, aesthetic -and architectural aspects and,
  - (a) notwithstanding the area of control, in relation to areas of minimum and partial control as defined in this bylaw, the municipality will determine where it is feasible to erect high impact signs;
  - (b) the Municipality shall have due regard in the evaluation of applications for any restrictive or other conditions specified in a title deed, land use scheme, conditions of establishment, building line, height and servitude conditions.
  - (c) More than one class of sign, and more than one sign in each such class, may be considered on a property or public space.
11. The Municipality may at its discretion and by public notice invite applications to erect non-locality-bound signs.
12. Only applications that meet the specified standard documentation requirements in terms of the application procedure policy (as amended from time to time) will be accepted and processed. The Municipality is not liable for any repercussions resulting from incorrect information supplied by the applicant.
13. The Municipality may at its discretion approve applications for the following types of sign in the public road reserve: billboards, small billboards, electronic signs, street furniture signs, direction signs to show houses, posters, large posters, functional signs by public bodies, street name signs, security signs at the entrances to suburbs or gated communities, stack signs, signs on bridges, signs for sponsored road traffic projects and any other signs deemed appropriate by the Municipality.
14. Save for Street furniture signs as defined herein, the approval period of signs may not exceed a period of three (3) years from the date of approval or commencement date of a municipal agreement for the erection of a sign. If an advertising sign approved in accordance with this bylaw, is not erected within six (6) months from the date of notification of such approval or within a time specified in such approval, the approval lapses. In the case of signs approved within a road reserve, such approval lapses within 2 months calculated from date of the municipality having issued a wayleave approval. No automatic renewal of any approval shall be granted.
15. All approved high impact signs shall display the application reference number (as indicated by the Municipality) on the bottom right-hand side of the frame of the structure in letter size not less than 100mm identifying the sign as having been approved by the Municipality. The name and or logo of the owner shall also be displayed on the advertising structure in font size not less than 100mm identifying ownership of the structure. The owner of the sign shall be responsible to provide and erect the information referred to in this section.
16. No person may to any degree or in any manner, way or form deviate from the conditions of approval of the Municipality, and any deviation will be dealt with in terms of clause 24 (Withdrawal of an approval) herein.

17. With the exception of temporary signs, the Municipality shall charge an annual consent fee (as determined in the Municipality's fee/tariff structure as amended from time to time) for third-party signs displayed on a property.
18. Approvals granted in terms of this by-law may be considered for renewal at the discretion of the Municipality after receipt of an application for such renewal, by-
  - (a) Making application for such renewal to the Municipality in the prescribed manner within 6 months prior to the expiration period and should an application not be received by the Municipality at the end of the initial approval period, such approval will automatically lapse and the Municipality shall issue a notice of removal to the sign(s) owner;
  - (b) Lodging the complete application with the requisite documentation (as specified in the outdoor advertising application procedure policy) together with the full application fee determined by the Municipality; and
  - (c) In the case of signs erected on any road reserves or municipal property, an agreement will be entered into with the relevant sign owner.
  - (d) The Municipality may withdraw an approval where the sign is not erected or displayed in accordance with the conditions of approval determined by the Municipality. After the expiry of an approval period as determined by the Municipality, the applicant's right to erect outdoor advertising on the property or public space shall cease to exist and no action on the part of the municipality will be construed as a tacit extension of the initial approval period.
  - (e) If in the opinion of the Municipality the sign to be erected will impact on the land use of the property on which the sign is to be erected, to the extent that the land use rights or zoning on the property may require a rezoning, change or relaxation in land use controls or the land use rights can no longer be exercised as a result of the erection of the sign, the Municipality may prior to the approval of any sign require that the owner of the property amend its land use rights to accommodate the said sign.
19. The owner of land on which a sign is erected or displayed in terms of an approval obtained under this by-law or the owner's legal agent or representative must retain certified copies of all documents related to the application and approval issued by the Municipality and or any renewal of these for as long as the sign is legally erected and must present it to any person authorised by the Municipality on request. The owner of the sign, if not also the owner of the land, must provide the owner of the land with certified copies of all relevant documents.
20. The Municipality may refer an application for the erection of any high impact sign to the Municipal Planning Tribunal, duly constituted in terms of the Spatial Planning and Land Use Management Act, 16 of 2013, where such application has an impact on land use for a recommendation.
  - (a) Where in terms of the National Building Regulations and Standards Act, Act 103 of 1977 (the "Act" - define) a building plan in terms of section 4 and 7 is required for the erection of any sign contemplated in terms of this By-law, the person erecting the sign shall comply with the provisions of the Act, in so far as it relates to the structure.
21. In the event of the sign being erected without the necessary building plans as contemplated in the Act, the approval granted in terms of this by-law shall lapse.

22. All changes to the content of an advertisement (graphic) are subject to specific consent in all categories of signs in this by-law and, when specified, to payment of an amount determined by the Municipality from time to time.
23. The owner of the sign will be held responsible for any damage or loss caused by the structure and/or due to the display of the sign.
24. The Municipality may govern advertising signs within its area of jurisdiction, provided that where an application is received on an land and or property which is owned, controlled or managed by any organ of state other than the municipality, the applicant shall refer the application to the organ of state responsible for the administration of the land for their comment and/or consent as may be determined by the municipality.
25. When the applicant refers the application to the organ of state as contemplated in subsection (24) above, the applicant shall provide proof to the satisfaction of the Municipality that it has provided a copy to the organ of state and in providing the said copy shall indicate that the comments of the organ of state should be provided within a period of 90 days failing which the Municipality may consider the application in terms of the provisions of this By-law.
26. Nothing contained herein shall prevent the Municipality from engaging with the relevant organ of state with regard to the consideration of the application for advertising signs.

## CHAPTER 2

### PROVISIONS APPLICABLE TO ALL SIGNS

#### 5. PUBLIC PARTICIPATION

Nothing contained in this bylaw may prevent the Municipality from requiring that any class of sign or sign within any area of control be brought to the attention of the public for purposes of soliciting comments and or objections on the application, therefore when and where specified by the Municipality, the applicant must –

1.
  - (a) publish once, at his own expense, a notice of such application in the *Provincial Gazette*, in English and one other official language simultaneously with notices published in two local newspapers (English and at least one other official language predominant in the municipal area) and once again one week thereafter in the same two local newspapers only: Provided that no such notices may be published during the period from 12 December to 3 January, both dates included;
  - (b) display in conspicuous positions (for a period of 14 days commencing from the date of first publication in the *Provincial Gazette* and two other local newspapers on the existing first immediate street lamp poles or similar structures on either side of the road where the outdoor advertising structure is to be erected) where it may be easily seen from public land or other such public space, a placard (poster indicating the description of work to be undertaken and contact details of the applicant and further relevant information) on both sides of the road where the application is applicable; and
  - (c) ensure that a copy of the notice is posted not later than the first day of publication of the notice mentioned in sub-clause 3(22)(1)(a) to each owner of land abutting or sharing a common boundary with the application site, including such properties separated by a road directly opposite the application site, and to any other owner of land that the Municipality may direct in writing not later

than the first day of publication of the notice by registered post to his or her last known address, and the applicant must provide proof that this notice was posted to the aforementioned owners;

(d) Furthermore:

- (i) The placards must be maintained in good order for at least 14 days from the day of the first publication of the notice in the *Provincial Gazette*.
  - (ii) The information on every placard must be written or printed in a clearly legible script as prescribed in sub-clause 3(22)(1)(a) of this by-law, in such a way that it is legible from a distance of 2 metres from any person with normal eyesight, during the full 14 days of display.
- (e) The notice and placard referred to in sub-clauses 3(22) (1) (a)-, (b) -and (c) must
- (i) contain the full name, business address and telephone number of the applicant;
  - (ii) contain a full description of the site (indicating distances from intersections and the kerb of the road) and type of sign for which the application has been made;
  - (i) state that the full details of the relevant application are available at the Municipality during normal office hours for a period of 28 days from the first day of publication of the notice in the *Provincial Gazette* and newspapers;
  - (iv) be written in English and at least one other official language predominant in the municipal area; and
  - (v) state that any objection or representation against such an application must be submitted in writing to the Municipality within 28 days, calculated from the first full day after appearance of the notice in the *Provincial Gazette*; the date of appearance of the notice in the *Provincial Gazette* as well as the closing date for acceptance of objections must be indicated on the placard.
  - (f) The placard specified in sub-clause 3(22)(1)(b) may not be smaller than 594 mm x 420 mm and any letter on it must be at least 6 mm high and be written in legible upright printed letters.

2. Any person with objections to or who makes representations against the application must lodge his or her written objections or representations to the Municipality with the reasons therefore within the period mentioned in sub-clauses 3(22)(1)(a) and 3(22)(1)(e)(v) of this by-law. In the case of objections or representations being received, the Municipality will hear the objections or representations and inform the applicant and objectors in writing of its decision.

3. The applicant must –

submit in duplicate format to the Municipality on or before the date of publication of the notice in the Government Gazette and newspapers, the completed application form, application fees relevant documents; and

- (b) draw up a sworn affidavit to the effect that the provisions in sub-clause 3(22)(1)(b) of this by-law have been complied with no earlier than 14 days

after the day of publication of the notice, and submit the affidavit to the Municipality as soon as possible thereafter.

4. After consideration of the application, the Municipality may grant or refuse the application, and the parties will be informed of the decision.
5. The consent will be null and void if the requirements imposed for considering the application have not been complied with.
6. The Municipality may, at the written request of the applicant, grant permission for partial or total non-compliance with the provisions of clauses 3(22)(1), 3(22)(2) and 3(22)(3) if it is of the opinion that another way of giving the notice as prescribed by the Municipality will better inform the public, or that such non-compliance is not of such a material nature that it is likely to affect anyone detrimentally.
7. The Municipality may grant its consent to amend the conditions of approval, provided that this amendment does not substantially change the conditions approved, and provided that there were no objections to the initial application.

#### **6. AMENITY AND DECENCY**

1. No advertising sign may be displayed in places or in such a manner that it could, in the opinion of the Municipality, be detrimental to the character or amenity of the neighborhood or disfigure the surroundings.
2. No wall or similar structure shall be built to display advertisements within or visible from a road or in such a manner that it could, in the opinion of the Municipality, be detrimental to the character or amenity of the neighborhood or disfigure the surroundings.
3. No person shall paint or spray paint advertising messages on a sidewalk unless otherwise approved by the municipality.
4. No illuminated advertising sign may be erected in such a way that, in the opinion of the Municipality, it may have a detrimental effect on the amenity of a residential building, or could be detrimental to the character or amenity of the neighborhood.
5. An advertising structure or advertisement may not be detrimental to or have a negative aesthetic impact on the streetscape or character of the surrounding area due to design.
6. The Municipality may order that an advertising sign be painted, repainted, replaced, upgraded or relocated to a different position.
7. Notwithstanding any other provisions of this by-law, no advertising sign may –
  - (a) be detrimental to the environment due to size, colour, texture, intensity of illumination, quality of design or materials or for any other reason;
  - (b) display content that is objectionable, indecent (including graphics), offensive or suggestive of indecency or prejudicial to public morals; or
  - (c) obscure, partially or wholly, an advertising sign owned by another person that has earlier been legally erected and displayed.
8. The Municipality may increase the minimum spacing between signs, or place further restrictions on the position, size and content of any sign, if it considers this necessary in the interests of protecting the aesthetic environment.
9. The Municipality may designate in its outdoor advertising policy, a commercial or industrial node as an area where high-impact signs including illumination may be freely

considered for approval. The spacing requirements in relation to various sign types may be relaxed in this regard in the outdoor advertising policy.

10. No person who is registered or not accordingly registered as a medical practitioner under the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act no. 56 of 1974, may in any manner publicly advertise the surgical termination of a pregnancy at a facility not designated in terms of section 3(2) of the Choice on Termination of Pregnancy Act, 1996 (Act no. 92 of 1996) as a proper facility for conduct of such terminations.
11. No person shall exhibit in public or distribute any publication or child pornography as defined in the Films and Publications Act, 1996 (Act no.65 of 1996), without the necessary registration, holding a licence to conduct the business of adult premises or being entitled to any applicable exemption, contrary to the provisions of sections 24, 24A, 24B or 24C or not in accordance with any other provision of the Films and Publications Act, 1996 (Act no.65 of 1996).

## 7. ADVERTISING CONTENT

**As demographic and psychographic viewership profiles are unmanageable due to the general display of outdoor advertising content, the following general rules shall apply to advertising content:**

1. A sign positioned on or next to and visible from a road must be concise and legible and comply with the following requirements:
  - (a) Any single message displayed on a sign may not contain more than fifteen bits of information unless otherwise permitted in terms of this by-law.
  - (b) The sign content and signwriting of a sign must be neat, and must not contain untidy handwritten messages.
2. Advertising content may not be suggestive of any sexual derogatory messaging to the virtue of either gender.
3. No signs advertising an alcohol beverage brand or product will be placed within 500 meters of schools, community centers and churches.

Alcohol advertisements shall contain a statement that such products are not for sale to a specific segment of the population as determined

## 8. DESIGN AND CONSTRUCTION

1. Any advertising structure or advertisement must, to the satisfaction of the Municipality
  - (a) be neatly and properly constructed according to generally accepted design and construction standards;
  - (b) be painted in a colour as accepted by the Municipality;
  - (c) have a neat appearance and be made of durable materials suited to the function, nature and permanence of the sign;
  - (d) not deface building facades with electrical conduits and other accessories;

- (e) be rigidly secured or anchored and supported in a safe manner to prevent unwanted movement in any direction;
  - (f) be able to effectively support and maintain twice its mass or more, in case it is subjected to any additional force such as wind pressure;
  - (g) in accordance with the nature of the advertising sign, when attached to brickwork, masonry or concrete, be secured by means of bolts embedded in, or passing through such brickwork, masonry or concrete and secured on the other side;
  - (h) not be secured to the structure by water soluble adhesive, adhesive tape or similar material;
  - (i) have all exposed metalwork painted or otherwise treated to prevent corrosion, and all timber treated to prevent decay; and
  - (j) have measures taken to prevent entry of water into, and the accumulation of water or moisture on or in the advertising sign or any part of its supporting framework, brackets or other members.
2. If required by the Municipality the design of an advertising structure must be certified by an engineer.
3. The designs of any advertising sign must be to the satisfaction of the Municipality.
4. No advertising sign may:
- (a) obstruct any window or opening provided for the ventilation of a building, or any stairway or doorway or other means of exit from a building, or the movement of persons from one part of a roof to another part without the written consent of the Municipality's Fire and Emergency Services;
  - (b) be painted on any frame less a relaxation has been obtained in terms of the relevant Land Use Scheme as amended from time to time;
  - (c) be higher than 8,5 m within a road reserve, unless an application for the relaxation of the height of the structure has been submitted and approved in terms of this by-law;
  - (d) encroach on the building restriction area unless a relaxation has been obtained in terms of the relevant uMhlathuze Land Use Scheme as amended from time to time;
  - (e) cover or impede access to any maintenance or inspection points on street lamp poles or other equipment that the Municipality maintains;
  - (f) be constructed or erected in such a way that a street tree or similar planting must be removed or relocated to accommodate the sign; and
  - (g) be placed, wrapped, erected, hoisted on -or suspended between trees.

## 9. GLASS

1. All glass used in a sign, other than glass tubing used in a neon or similar sign, must be safety glass at least 6 mm thick.
2. Glass panels used in a sign must be securely fixed in the body of the advertising structure.

**10. ELECTRICAL**

Every illuminated advertising sign and every other advertising sign in which electricity is used, must:

- (a) have power cables and conduits containing electrical conductors positioned and fixed in such a manner that they are not unsightly;
- (b) be designed in such a manner that the advertising sign does not pose any fire risk;
- (c) be provided with an external switch in an accessible position and at a height of at least 3 m from the ground by means of which the electricity supply to the advertising sign may be switched off;
- (d) be wired and constructed in accordance with and subject to the provisions of all applicable laws and regulations.
- (e) 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.

**11. MAINTENANCE**

- 1. An advertising sign must:
  - (a) be located at a height that discourages vandalism;
  - (b) be serviced on a regular basis at the discretion of the Municipality;
  - (c) be maintained or repaired and in a safe and clear condition.
- 2. The owner of any sign will be responsible for the maintenance in a safe, tidy and proper condition of the sign and the surrounding area.

**12. ILLUMINATION AND ELECTRONIC ADVERTISING SIGNS**

- (1) Illumination is permitted on an advertising sign only if it does not lead to unsafe driving conditions, or does not have a detrimental effect on the surrounding area and where it is not specifically prohibited in the discretion of the Municipality.
- (2) The luminance level on any advertising sign where illumination is permitted, and where the applicable speed limit on the road is higher than 60 km per hour, must not exceed the following:

<b>Illuminated area</b>	<b>Maximum luminance</b>
Less than 0,5 m <sup>2</sup>	1 000 candela per m <sup>2</sup>
0,5 to 2,0 m <sup>2</sup>	800 candela per m <sup>2</sup>
2,0 to 10 m <sup>2</sup>	600 candela per m <sup>2</sup>
10 m <sup>2</sup> or more in visual zones	350 candela per m <sup>2</sup>
10 m <sup>2</sup> or more in other areas	400 candela per m <sup>2</sup>



- (3) A variable or animated message must not exceed the following frame update limits:

Speed limit 50 km per hour or less	Full video and frames that change continuously
Speed limit more than 50 km per hour	One single complete frame that changes at least every 30 seconds

- (4) An electronic advertising sign must not obstruct the view of a driver or pedestrian or be in the direct line of sight of a traffic light.
- (5) An electronic advertising sign must not have subliminal flashes.
- (6) Light not intended for illumination must only be utilised if it is allowed for in the environmental plans of the Municipality.
- (7) Any advertising sign that could interfere with radio or television reception must be equipped with suppressors that eliminate all forms of interference, and electrical wiring must comply with the provisions of the Municipality's Electricity by-law, any other legislation applicable to electric signs, and be approved by the Municipality's Energy and Electrical Services Department.

### 13. SPACING OF HIGH IMPACT ADVERTISING SIGNS

1. Read with Sections 4(3) and 5(9) herein, the spacing of all high-impact signs must be as follows, unless specifically stated otherwise:

On a road where a speed limit of more than 80 km/hour has been imposed	At least 250 m apart
On a road where a speed limit of more than 60 and less than or equal to 80 km/hour has been imposed	At least 200 m apart regardless of which side of the a road an advertising sign is displayed
On a road where a speed limit of 60 km/hour or less has been imposed	At least 120 m apart regardless of which side of the a road an advertising sign is displayed

2. High-impact advertising signs may not be permitted within a radius of 100 m from the centre of the intersection of arterial roads; and on a lower-order road may not be permitted within a radius of 50 m from the centre of the intersection of an arterial road and any lower-order road; and on an arterial road may not be permitted within a radius of 50m from the intersection of a lower order road with an arterial road; or on a lower-order road between two lower-order roads.

Where traffic lanes merge or diverge, the Municipality in its discretion may increase the requirements for distance from an intersection.

3. Notwithstanding Clause 12 (2) above, the road class shall be taken into account in determining the spacing of signs. Furthermore, regardless of the speed limit as described under Clause 12 (1) above, the spacing of high-impact signs in relation to gantry signs must be at least 250 m.
4. High impact signs may not be erected parallel to another sign on the opposite side of the road.

5. Notwithstanding the Clause 12(1), the municipality may designate roads or portions of a road where high impact signs shall not be permitted.
6. The spacing of any advertising sign in relation to street furniture signs shall be determined by the Municipality from time to time in accordance with its policy.
7. The Municipality may increase the minimum spacing between advertising signs, intersections or place further restrictions on the position, size and content of any sign, if it considers this necessary in the interests of reducing clutter and preserving the aesthetic environment.

## **CHAPTER 3**

### **GENERAL PROVISIONS**

#### **14. SIGNS NOT DESCRIBED IN THIS BY-LAW**

The Municipality may approve an application to display an advertising sign that is not referred to in this by-law, after having considered the application in terms of the Municipality's Outdoor Advertising Policy as amended from time to time.

#### **15. CONTRADICTIONS**

Where any contradiction, ambiguity or vagueness in the by-law may occur, the interpretation of the Municipality will be binding.

#### **16. SIGNS FOR NATIONAL, PROVINCIAL, MUNICIPAL AND SIMILAR CAMPAIGNS**

In the case of campaigns for parliamentary, provincial or municipal elections (including by-elections) and referendums, as well as campaigns by state and parastatal institutions to promote democracy, good governance and/or similar principles, or the promotion of any national, provincial or Municipal imbizo or similar event, the written consent of the Municipality must first be obtained.

#### **17. 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.

## 18. DISCRETIONARY POWERS

1. 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.

- 2 Council or its delegated officer has the discretionary right to approve any sign that should present itself due to market changes and a new opportunities having been identified
- 3 Council has the right to identify and approve outdoor advertising signs and localities that may be required to go out on public tender should the need be identified
- 4 Council has the right to award outdoor advertising signs to applications that will generate maximum revenue to Council and this will be the sole determining factor in the award of an application

#### **19. SIGNS ACROSS BOUNDARIES OF PREMISES**

The Municipality, in its sole discretion, may at any time direct the owner of a sign that wholly, or partially projects over or encroaches on any boundary of premises, or the owner of the building to which such sign is attached, to remove part of or the whole portion that is projecting over or encroaching on the premises boundary, within 21 days of the date of notification, irrespective of whether the Municipality has approved the sign. Failure to comply with the notice will constitute an offence.

#### **20. REMOVAL OR CONFISCATING OF SIGNS**

1. If any sign is so erected, distributed, hoisted or displayed that, in the opinion of the Municipality, it is detrimental to the environment, or to the amenity of the neighborhood, or is otherwise in contravention of any provision of this by-law:
  - (a) the Municipality or its authorised agent may dispose of such sign;
  - (b) shall serve a notice on the responsible person to remove such sign or
  - (c) may carry out such alteration thereto or do such other work as may be specified in such notice within a time specified in the notice.
2. The Municipality will, in removing or disposing of a sign contemplated in subsection (1) above, not be required to compensate any person in any way for loss or damage resulting from its removal.
3. If a sign constitutes a danger to life or property in any manner or is obscene, in the opinion of the Municipality, the Municipality may, without serving any notice, carry out the removal of such sign and dispose of within seven (7) days and the Municipality shall not be required to compensate any person in any way for loss or damage resulting from its removal or disposal.
4. If an advertisement is displayed or distributed without the specific consent of the Municipality, the Municipality may, without serving any notice, carry out the removal of such advertisement and dispose of it within seven (7) days and the Municipality shall not be required to compensate any person in any way for loss or damage resulting from its removal or disposal.
5. Any costs incurred by the Municipality in removing, storing, disposing or undertaking alterations to a sign will be recoverable from the responsible person.
6. The responsible person may within three (3) working days of the date of the removal or confiscation of the sign or advertisement apply in writing to the Municipality to have the sign or advertisement returned and if the application is approved, such person must pay the total cost incurred by the Municipality as well as any penalty that may have been imposed.

7. Should the responsible person omit to collect the sign within seven (7) days of the approval referred to in six (6) above, the sign may be disposed of by the Municipality in terms of the provisions of this bylaw as amended from time to time.
8. Should an application envisaged in six (6) above not be received by the Municipality within the prescribed period, the sign may be disposed of within seven (7) days of the date of removal or confiscation.
9. The Municipality is not liable for damages of whatever nature arising from the confiscation, removal or disposal of an advertisement or sign, that was or had been displayed in contravention of this By-law.

## 21. SERVING OF NOTICES

1. Any notice or other document that this by-law requires to be served on any person will be deemed to have been properly served if served personally on him or her agent, proxy or on any member of his or her household apparently over the age of 16 years or at his or her place of residence or on any person employed by him or her at his or her place of business or residential premises, or is sent by registered post to such persons' residential or business address or, if such person is a company, if served on an officer or any other official ostensibly in a managerial position of that company or sent by registered mail to such office.
2. Subject to the provisions of subsection 1, an authorised official may issue a notification in terms of section 341 of the Criminal Procedure Act, 1977, where it appears that the responsible person has been previously served with a notice to remove an advertisement or sign which is in contravention of this By-law.
3. Subject to the provisions of subsection 2, an authorised official may issue a notice in terms of section 56 of the Criminal Procedure Act, 1977, where it appears that the responsible person has been previously served with a notification in terms of section 341 of the Criminal procedure Act, 1977 in respect of an advertisement or sign which is in contravention of this By-law.

## 22. RESPONSIBLE PERSONS

1. For the purpose of sections 17, 19, 20,21,22,23 the responsible person will be deemed to be:
  - (a) the person who either erected, distributed, hoisted, maintained, suspended, parked or displayed a sign or advertisement, or caused or allowed it to be erected, distributed, hoisted, maintained, suspended, parked or displayed;
  - (b) owner;
  - (c) the registered owner of any premises on which any sign was displayed, erected and/or distributed;
  - (d) any person who was either individually or jointly with any other person responsible for organizing, or was in control of, any meeting, function or event to which a sign relates;
  - (e) the advertiser, any person or group of persons whose name(s) appears on a sign, unless the contrary is proved.

## 23. APPEAL PROCEDURE

1. Any person aggrieved by a decision of the Municipality to refuse or approve an application in terms of this by-law, may appeal against such decision of the Municipality by following the procedure set out below:

- (a) The appellant must give written notice of the appeal and grounds for such appeal to the Municipal Manager within 21 days of the date of notification of the decision of the Municipality.
- (b) The Municipal Manager must promptly submit the appeal to the Municipal Appeals Committee, duly constituted in terms of Section 62 of the Local Government System Act 32 of 2000 as amended and accordingly advise the appellant of such submission in writing. (NB!! I propose the addition of the text in red in order to ensure the effective promotion of administrative justice and the right to know under the Constitution of the Republic of South Africa, 1996)

#### **24. WITHDRAWAL OF AN APPROVAL**

1. Any consent in terms of this by-law may be withdrawn by the Municipality if –
  - (a) the conditions of approval have not been adhered to; or
  - (b) the sign has been erected without first having obtained wayleave approval; or
  - (c) the sign is not erected within 6 months after the date of approval; or
  - (d) the period of approval has expired; or
  - (e) the sign has not been erected on the position approved by the municipality; or
  - (f) it is necessary to remove the sign as a result of roadworks of whatever nature or the relocation or upgrading of services or whatever other reason deemed necessary by the municipality; or
  - (g) the sign constitutes, or has become a danger to any person or premises; or
  - (h) the sign has become prohibited in terms of this bylaw or any other law; or
  - (i) the sign obscures any other advertising sign, natural feature, architectural feature or visual line of civic, architectural, historical or heritage significance.

#### **25. FEES/TARIFFS**

The Municipality may determine fees/tariffs of charges dealing with any aspect, conduct or action in terms of this bylaw and such charges will be published (in the prescribed manner) and amended from time to time.

#### **CHAPTER 4**

#### **TYPES OF SIGNS AND REGULATION OF THEIR ERECTION, OR DISPLAY SIGN TYPES AND CONTROL MEASURES**

#### **26. CUSTOM-MADE BILLBOARDS**

1. The sign area of a custom-made billboard must be 18 m<sup>2</sup> but not more than 81 m<sup>2</sup> in size, and may feature special effects such as internal illumination, special character cut-outs and three-dimensional representations as well as rotating or scrolling panels that provide a number of different messages in succession.

2. custom-made billboard may only be allowed in areas of minimum control, with the exception of signs in this class that are not bigger than 18 m<sup>2</sup> in sign area, which may be allowed in areas of partial control.
3. A custom-made billboard requires the specific consent of the Municipality.
4. The advertising structure may not exceed 8,5 m in height unless otherwise approved.
5. The clear height of the advertising structure must be at least 2,4 m.
6. An advertising sign scoping report that includes visual, social and traffic safety aspects shall be required for custom-made billboards.
7. A custom-made billboard consisting of a single sign must be displayed either perpendicular to, or at an angle of 30° to, the direction of oncoming traffic.
8. In the case of two boards joined together, the advertisement must be displayed with the axis of symmetry perpendicular to the direction of oncoming traffic.
9. Spacing requirements must be in accordance with the spacing of high-impact signs stipulated in clause 12 above.
10. Illumination may be permitted subject to the stipulations of clause 11 above.
11. A custom-made billboard may not be animated.
12. A custom-made billboard must be placed on a base that has been designed and erected to the satisfaction of the Municipality.

## 27. ELECTRONIC SIGN

1. The size of signs under this class shall be determined by the Municipality.
2. Notwithstanding clause 27(1) above, the sign area of an electronic sign erected within a road reserve shall not be less than 18m<sup>2</sup>. The Municipality may however approve smaller signs within specified nodes in terms of its outdoor advertising policy.
3. The level and speed of animation and variable messages shall be to the satisfaction of the Municipality.
4. Any free-standing advertising structure must not be taller than 8,5 m unless the specific consent of the Municipality has been obtained.
5. The clear height of the advertising structure must not be less than 2,4 m.
6. An electronic sign may only be erected in an area of minimum control and requires the specific consent of the Municipality.
7. An advertising sign scoping report that includes visual, social and traffic safety aspects shall be required for electronic signs.
8. Full video signs shall only be considered in pedestrian nodes.
9. Spacing requirements must be in accordance with the spacing of high-impact signs stipulated in clause 12 above.
10. A free-standing electronic sign must be placed on a base that has been designed and erected to the satisfaction of the Municipality.

## 28. LARGE BILLBOARDS

1. The sign area of a large billboard must not be less than 18 m<sup>2</sup> or greater than 40 m<sup>2</sup> and requires the specific consent of the Municipality.
2. A large billboard may only be permitted in areas of minimum and partial control.
3. The advertising structure must not be taller than 8,5 m, unless otherwise approved.
4. The clear height of the advertising structure must not be less than 2,4 m.
5. A large billboard consisting of a single sign must be displayed perpendicular, or at an angle of 30°, to the direction of oncoming traffic.
6. In the case of two boards joined together, the advertisement must be displayed with the axis of symmetry perpendicular to the direction of oncoming traffic.
7. An advertising sign scoping report that includes visual, social and traffic safety aspects shall be required for large billboards.
8. Spacing requirements must be in accordance with the spacing of high-impact signs as stipulated in clause 12 above.
9. External illumination may be permitted, subject to the stipulations of clause 11 above.
10. A large billboard may not be animated.
11. A large billboard must be placed on a base that has been designed and erected to the satisfaction of the Municipality.

#### **29. SUPER BILLBOARDS**

1. The sign area of a super billboard must be larger than 40 m<sup>2</sup> but not more than 81 m<sup>2</sup> in size.
2. A super billboard will only be permitted in areas of minimum control and requires the specific consent of the Municipality.
3. An advertising sign scoping report that includes visual, social and traffic safety aspects shall be required for a super billboard.
4. The clear height of the advertising structure must not be less than 2,4 m.
5. The advertising structure may not be taller than 8,5 m, unless otherwise approved by the Municipality.
6. A super billboard must be displayed perpendicular, or at an angle of 30°, to the direction of oncoming traffic.
7. Spacing requirements must be in accordance with the spacing of high-impact signs as stipulated in clause 12 above.
8. A super billboard may not be animated.
9. A super billboard must be placed on a base that has been designed and erected to the satisfaction of the Municipality.

#### **30. SPECTACULAR SIGNS**

1. The sign area of a spectacular sign shall exceed 81m<sup>2</sup> in sign area.



2. A spectacular sign will only be permitted in areas of minimum control and requires the specific consent of the Municipality
3. An advertising sign scoping report that includes visual, social and traffic safety aspects shall be required for a free-standing spectacular sign.
4. Free-standing spectacular signs shall be spaced at least one kilometer apart and at least 250m from any other billboard and high impact sign.
5. Spectacular signs shall not be permitted within any road reserve.

### **31. PRODUCT REPLICAS AND THREE-DIMENSIONAL SIGNS**

1. A product replica or three-dimensional sign will only be permitted in an area of partial or minimum control and requires the specific consent of the Municipality.
2. The clear height of a free-standing advertising structure must not be less than 2, 4 m.
3. A free-standing product replica or three-dimensional sign must not be higher than 8, 5 m, unless otherwise approved.
4. In the case of an inflatable sign, a product replica or three-dimensional sign that will be bound to its locality may not be higher than 8, 5 m, unless otherwise approved.
5. Inflatable signs shall not be permitted within a road reserve.
6. Spacing requirements must be in accordance with the spacing of high-impact signs as stipulated in clause 12, unless otherwise approved by the Municipality.

### **32. GANTRY BILLBOARDS**

1. The sign area of a gantry billboard must not be less than 18 m<sup>2</sup> per direction of traffic flow, fixed to an overhead one- to six-footed structure (gantry), spanning or partially spanning across the road.
2. A gantry billboard shall be considered only in areas of minimum control subject to clause 3(22) herein and requires the specific consent of the Municipality.
3. The advertising structure must not be taller than 10 m, unless otherwise approved by the Municipality.
4. The clear height of the advertising structure must not be less than 5, 5 m.
5. A gantry billboard must have a catwalk so that changes to the face of the advertisement can be effected from the catwalk and not from the road surface.
6. An advertising sign scoping report that includes visual, social and traffic safety aspects shall be required for a gantry billboard.
7. A gantry billboard must be displayed perpendicular to the direction of oncoming traffic.
8. Spacing requirements must be in accordance with clause 12.
9. Illumination may be permitted, subject to the stipulations of clause 11.
10. Animation may be allowed.

11. A gantry billboard must be placed on a base(s) that has been designed and constructed to the satisfaction of the Municipality.

### **33. SMALL BILLBOARDS (NON-LOCALITY GROUND SIGNS)**

1. Small billboards may only be permitted on lower-order roads around shopping centres, schools, stadiums, taxi ranks, parking areas and transport nodes such as railway stations, bus stations and airports or other areas determined and approved by the Municipality.
2. Small billboards may be permitted in areas of minimum and partial control and will be subject to the specific consent of the Municipality.
3. Small billboards may be internally illuminated with the specific consent of the Municipality.
4. Small billboards shall not be animated.
5. Small billboards shall not be erected less than 1 m from the kerbstone of a road.
6. A small billboard may be double-sided.
7. The sign area of a small billboard shall not exceed 6m<sup>2</sup> in sign area or be larger than 7.5 m in height and 1 m in width.
8. A small billboard shall not be erected less than 50m from the kerb of an intersection between an arterial road and a lower order road and not less than 80 m from a transport shelter on any side of the road.
9. No more than two small billboards may be erected per street block on either side of the road.
10. The Municipality may impose additional requirements on distance from any other signs.
11. A small billboard must be placed on a base that has been designed and constructed to the satisfaction of the Municipality.

### **34. ON-PREMISES BUSINESS SIGNS (LOCALITY GROUND SIGNS)**

1. An on-premises business sign must be locality bound and may only provide information on the name and nature of the enterprise, the brand name(s) and the nature of goods sold or produced and/or the nature of services provided and the name of the proprietor(s) or practitioner(s).
2. An on-premises business sign may be a combination sign for a variety of businesses on the same premises and may also be free standing.
3. An on-premises business sign requires the specific consent of the Municipality.
4. In the case of a combination sign –
  - (a) the design of the structure must harmonise with the architecture of the particular building or other adjacent buildings or structures;
  - (b) messages on individual signs must be concise and legible;
  - (c) the content of individual panels of such a sign must be harmonious in terms of form, letter types and colour;
  - (d) each side of the sign may be a maximum of 12 m<sup>2</sup> in sign area; and

- (e) the maximum height of the sign may not exceed 7,5 m. A height increase to 10 m can be considered subject to an application for a height restriction relaxation in terms of the relevant Land Use Scheme as amended from time to time.
- 5. The maximum area of a sign per enterprise per frontage may not exceed 2 m<sup>2</sup> in an area of partial control. Where there is more than one enterprise, each sign must have the same dimensions.
- 6. Only one on-premises business sign is allowed per enterprise, unless there is more than one entrance on different street fronts, in which case one will be allowed per street front.
- 7. The name or logo of the sponsor of the on-premises business sign may be displayed if it refers to products or services available at that specific enterprise, but may not occupy more than 20% of the total area of the sign.
- 8. An on-premises business sign may be placed closer to the road reserve boundary than the formal building line, subject to the approval of an application for a building line relaxation in terms of the relevant land use scheme as amended from time to time.
- 9. An on-premises business sign may be illuminated.

### **35. STREET FURNITURE SIGNS**

- 1. Street furniture signs must not be placed in a way that obstructs pedestrian movement.
- 2. The specific consent of the Municipality is required for street furniture signs.
- 3. Street furniture signs may be illuminated.
- 4. The spacing between a street furniture sign and other street furniture signs and sign types will be subject to the approval of the Municipality.
- 5. Street furniture signs may be used for commercial advertising.
- 6. The period of approval of signs under this class shall be determined by the Municipality.

### **36. FLAGS**

- 1. Flags require the specific consent of the Municipality.
- 2. A flag may display the name, corporate symbol and nature of an enterprise.
- 3. A flag must be attached to or supported by poles or other supports on the property, or against the building where the function or the enterprise is located.
- 4. A flag may not be attached in a manner that interferes with or constitutes a danger to passing pedestrians or motor traffic, or compromise the stability of the structure to which it is attached.

5. A flag may be displayed and or attached to a single rope, pole or flagstaff projecting vertically, horizontally or at an angle. Flags exclude –
  - (a) international, national, provincial or municipal flags that do not carry any advertisement in addition to the design of the flag; and
  - (b) flags carried as part of a procession.

### **37. SUBURB NAME SIGN ADVERTISEMENTS AND STREET NAME ADVERTISEMENTS**

1. A suburb name sign advertisement may be permitted in areas where the applicable speed limit on the road in question is 80 km per hour; but it will not be allowed on or next to a freeway.
2. A suburb name sign advertisement may be permitted at entrances or exits in all areas of control.
3. The specific consent of the Municipality is required for the display of a suburb name sign advertisement.
4. A suburb name sign advertisement must be rectangular and the content thereon may be reflective.
5. The clear height of a suburb name sign advertisement must not be less than 2,4 m.
6. A suburb name sign advertisement may not bear colours or any other element that will cause confusion with road traffic signs.
7. A suburb name sign advertisement may be illuminated but not animated.
8. A street name advertisement shall be permitted only in an urban area on a road other than a freeway.
9. A street name advertisement which omits the street name shall not be permitted.
10. No one may erect a street name advertisement without first obtaining the written approval of Council.
11. The advertising and street name sections of a street name advertisement must both be rectangular in shape. The street name section must be below the advertising section and not closer than 2.1 meters of the ground. The advertising section of the advertisement may not exceed 1.64m<sup>2</sup> in area of advertisement.
12. Internal illumination of the advertisement section and street names is permitted.
13. A street name advertisement may be erected only at intersections and may be erected on a road reserve or road median.
14. Illumination on a street name advertisement must be static and the degree of illumination of the advertising section may equal, but may not exceed, the street name section. The advertisement may not be animated and may not flash. The colour of the street name and background must be determined by the Council.
15. Any street name on the advertising space of a street name advertisement must be smaller and less conspicuous than the actual street name on the street name panel, and the layout must be such that there is no confusion with the street name on the street name panel.

16. Only 2 street name advertisements will be permitted per intersection, and such advertisements may not be placed on the same side of any road. This number can be increased by the discretion of Council with written application.

### **38. REAL ESTATE AGENT SIGNS**

1. In the case of a residential premises, a real estate agent's sign may not contain information other than the words "for sale", "to let" or "sold", the name, photo, registration number and telephone number of the selling or letting agent and the logo of the real estate agency; and is subject to the specific consent of the Municipality.
2. In the case of a property development, agricultural and or commercial premises, a real estate agent sign may not contain information other than the words "for sale", "to let", or "sold", the name, photo, registration number and telephone number of the selling or letting agent and the logo of the real estate agency; and is subject to the specific consent of the Municipality.
3. The sign area of a real estate agent sign may not be larger than 460 mm X 600 mm inside or on the boundary wall of residential premises and if free-standing, may not exceed a maximum height of 3m measured from the ground.
4. The sign area of a real estate agent sign may not exceed 6m<sup>2</sup> in sign area inside or on the boundary wall or wall of a building of a property development or commercial premises and if free-standing, may not exceed a maximum height of 6m measured from the ground.
5. The sign area of a real estate agent sign may not exceed 6m<sup>2</sup> in sign area inside or on the boundary wall of an agricultural premises and if free-standing, may not exceed a maximum height of 6m measured from the ground.
6. A maximum of one sign per agency and a total of three signs may be permitted on residential premises.
7. Only one sign per real estate agency and a maximum of ten signs in total may be permitted at a residential complex.
8. A maximum of one sign per agency and a total of three signs may be permitted on a commercial and or agricultural premise.
9. A real estate agent sign may not be displayed on residential premises for longer than 3 months and must be removed within 14 days after conclusion of a contract of sale or lease of the premises in question.
10. A real estate agent sign may not be displayed on commercial or agricultural premises for longer than 12 months and must be removed within 14 days after conclusion of a contract of sale or lease of the premises in question.
11. Notwithstanding 37 (3) above, a real estate agency sign may not be erected more than 15 cm from the boundary wall of a residential complex.
12. Real estate agent signs may be permitted in all areas of control.
13. In the case of a property "on show", signs and bunting may be erected only on the premises concerned. Information on the premises on show may only be displayed for the duration of the day and must be removed by the end of the day.
14. Direction signs indicating the location of the show house of a residential premises or property development are permitted subject to the following conditions:

- (a) Over weekends, the signs may be displayed only from 12:00 on Friday afternoon until 12:00 on Monday morning; on public holidays, from 12:00 on the day before such public holiday until 12:00 on the next day. Should the public holiday be on a Monday, from 12:00 on the previous Friday; should the public holiday be on a Friday, until 12:00 on the following Monday.
- (b) The sign area on the face of each sign must not be larger than 460 mm by 600 mm.
- (c) The selling or letting agent may not display more than eight signs per show house or premises, irrespective of the number of routes to the show house or premises. Such signs may be double-sided.
- (d) Direction signs may not be displayed on a provincial or national road.
- (e) Each selling or letting agent may erect only one sign per intersection.
- (f) A selling or letting agent may not display more than one sign between consecutive intersections.
- (g) Signs may not be placed on traffic circles or traffic islands, traffic lights, road traffic signs, power masts, trees, pillars, fencing, electrical substations, bridges or any similar structures.
- (h) Stakes or poles to which signs are affixed may not be driven deeper than 120 mm into the ground.
- (i) No more than 2 stakes per sign is allowed.
- (j) Signs may not be erected on tarred or paved surfaces.
- (k) Signs must not be higher than 1 m and must not obstruct the view of motorists at intersections and/or exits on public roads, or pose a danger to pedestrian or other traffic.
- (l) Only the estate agent's name and/or logo, the words "on show", telephone number, registration number and an arrow indicating the direction to the relevant premises may appear on the signs.

15. Each selling or letting agent must register with the Municipality or the authorised agent of the Municipality before erecting signs in the municipal area. A property developer who intends displaying signs in terms of Clause 14 above shall also register with the Municipality or the authorized agent of the Municipality before erecting signs in the municipal area.

16. A registration fee as prescribed from time to time by the Municipality is payable annually per calendar year.

17. A selling or letting agent who disregards any of the foregoing stipulations forfeits the registration fee and the agent, his or her principal and/or agency will be considered unregistered and may not advertise in the municipal area until he or she has reregistered.

18. Real estate agent signs may not be displayed on road reserves or on the road reserve boundaries of freeways.

19. Illumination or animation of real estate agent signs or the use of reflective materials on such signs is not allowed.

20. No real estate agent or agency may hoist, display, distribute or erect flags, display boards, bunting, gazebos, tents, balloons, banners, parking caravans, cars, containers or similar devices or material on any part of a road reserve in the municipal area.

### 39. AUCTION POSTERS

1. An auction poster may only be 841 mm x 594 mm.
2. An auction poster requires the specific consent of the Municipality.
3. An auction poster may only be displayed for 14 days before the date of the auction and must be removed three days after the auction has taken place.
4. An auction poster may also be displayed in terms of Clause 40 (posters and notices) of this by-law, subject to the conditions with regard to "Category one" of Clause 30(1)(e).
5. Only 2 auction posters per street block are allowed, with a maximum of one hundred (100) posters per auction.
6. An auction poster may not be displayed on provincial or national roads.
7. Stakes or posts to which auction posters are affixed may not be driven more than 120 mm into the ground.
8. An auction poster may not be erected on tarred or paved surfaces.
9. An auction poster may not be higher than 1 m and may not cause an obstruction or pose a danger to pedestrians or traffic.
10. An auction poster may use only an arrow to indicate the direction of the auction.
11. The auctioneer's name, the word "auction" and details of the auction must appear on the signs.
12. In the case of a liquidation auction, a copy of the relevant court order with the case number must accompany the application for consent.
13. The case number must be clearly displayed at the bottom of the sign.
14. All information on the poster must have a minimum letter size of 50 mm (including lower-case letters).
15. Auction posters may not be placed on traffic circles, traffic islands, traffic lights, road traffic signs, power masts, trees, pillars, fencing, electrical substations, bridges or any similar structure.
16. No person may hoist, display, distribute or erect flags, display boards, buntings, balloons, banners, parking caravans, cars, containers or similar devices or material on any part of a road reserve in the municipal area.

### 40. POSTERS

1. Only posters in the following five categories may be displayed:
  - a. Category one:  
Posters intended mainly for advertising a religious, sporting, educational, cultural, charity or similar event of a non-commercial nature

- b. Category two:  
Newspaper headline posters of the day of a daily, weekly or weekend newspaper
  - c. Category three:  
Posters for parliamentary, provincial or municipal elections (including by-elections) and referendums as well as campaigns by state and parastatal institutions to promote democracy, good governance or similar principles, or any national, provincial or municipal imbizos, or similar event
  - d. Category four:  
Posters for public awareness campaigns and notices of a public meeting
  - e. Category five:  
Posters of a commercial nature
2. A poster or notice may be permitted in all areas of control and requires the specific consent of the Municipality.
  3. A poster or notice may be displayed only on street lamp poles or other structures provided for the express purpose of displaying a poster.
  4. A poster may not cover municipal markings or the cover plates on street lamp poles.
  5. A poster or notice may not be illuminated or animated unless authorised by the Municipality.
  6. A poster or notice must be fixed to a street lamp pole or any other structure in a manner acceptable to the Municipality.
  7. The top of a poster must be at least 2 m below any light fixture. The bottom of such poster or notice must be at least 2, 1 m above ground level with, the exception of category two posters, which must be at least 1, 5 m above ground level.
  8. All posters in each category in a particular street must be mounted at the same height above ground level.
  9. Posters may not be displayed on the road reserve boundaries of freeways.
  10. No posters may be placed on or attached to traffic circles or traffic islands, power masts, road traffic signs, traffic lights, trees, walls, pillars, walls of buildings, flag poles, banner poles, fencing, electrical substations, bridges or any similar structure.
  11. Posters in category one, category three and category four must be 841 mm x 594 mm (A1 size).
  10. Posters in category two may not be larger than 600 mm x 450 mm
  11. All posters, backing boards and cord or string must be removed within three days after the event has taken place.
  12. Category two posters must be displayed in approved receptacles on the first two street lamp poles from a road intersection on routes approved by the Municipality.
  13. Only one poster each in category one and two may be displayed facing oncoming traffic on any street lamp pole except where the street lamp pole is in a two-way street, in which case two posters of each category may be displayed back to back.
  14. The content of category one, category four and category five posters are subject to the approval of the Municipality. The name of the relevant responsible organisation, and



the date and place of the occasion or event must be clearly displayed on the poster in letters of not less than 50 mm in height.

15. Not more than three hundred (300) posters from category one, category four and category five may be displayed for any single occasion, meeting or campaign, except with the approval of the Municipality.
16. Posters in category three may be displayed on street lamp poles in all areas of control.
17. In the absence of legislative prescriptions, the Municipality will determine the number and display format of posters in category three by a submission of a report to the Executive Committee.
18. A parliamentary, provincial or municipal election or referendum poster may not be erected before the date on which the notice or proclamation regarding the election or referendum is published in the *Government Gazette* or *Provincial Gazette*, and must be removed not later than twenty-one days (21) days after the date of such election or referendum.
19. In the case of poster application outside the jurisdiction of the City of uMhlathuze tariffs will be reviewed during peak seasons of the year.

#### **41. HANDBILLS, LEAFLETS, PAMPHLETS, PROMOTIONAL MATERIAL, HAND-HELD SIGNS OR COMMUNITY NEWSPAPERS**

1. Handbills, leaflets, pamphlets and similar promotional material may only be distributed from door to door, in post boxes or from within shops and privately controlled areas.
2. Handbills, leaflets, pamphlets and similar promotional material may not be distributed at road intersections.
3. Community newspapers may be distributed door to door in all areas of control.
4. Hand-held signs may only be displayed from within private premises with the express written permission of a landlord.

#### **42. FUNCTIONAL SIGNS BY PUBLIC BODIES**

1. A functional sign by a public body may not exceed 6 m<sup>2</sup> in area, except with the specific consent of the Municipality if justified by circumstances.
2. The letter size of all information on the sign may not be less than 20 mm in height.
3. Illumination may be provided if there is a need for information or directions to be read after dark.
4. A functional sign by a public body may not be used for the purpose of commercial and/or competitive advertising.
5. A functional sign by a public body is permitted in all areas of control.

#### **43. PROJECT SIGNS**

1. A project sign may display only –
  - (a) a description of the building or structure being erected or other work or activities being carried out;
  - (b) the names and the company symbols or logos of the contractors or consultants;

- (c) the branches of their industry or profession; and
  - (d) where relevant, details of the type of accommodation being provided, floor space available and the name, address and telephone number of the developer or the agent of the developer.
2. A project sign requires the specific consent of the Municipality.
  3. Only one project sign is allowed per street front of a site.
  4. A project sign may not exceed a total sign area of 18 m<sup>2</sup>, except with the specific consent of the Municipality.
  5. A project sign may not be illuminated or animated.
  6. A project sign may be displayed only for the duration of the relevant works on the site.

#### **44. SECURITY SIGNS**

1. A security sign shall refer only to the existence and operation of a neighbourhood watch, farm watch or similar system or scheme and contain relevant contact information.
2. There shall be no reference to any commercial or sponsoring reference on any security sign.
3. The display of a security sign shall be subject to the specific consent of the Municipality.
4. A security sign of 1 m x 2 m containing security information is permitted at the entrance to a closed neighbourhood or a gated community or at the entrances to areas subject to specific security arrangements such as a neighbourhood watch.
5. A security sign containing security information may not exceed a total height of 3,5 m above ground level and, if sited inside a road reserve, must have a minimum clear height of 2,4 m.
6. Farm watch signs containing security information may not exceed 2 m<sup>2</sup> in sign area.
7. A security sign on residential, business and industrial premises may not exceed 0,35 m<sup>2</sup> in sign area.
8. Only one security sign per 30 m length of street boundary of the premises may be erected and must be firmly affixed to the building, boundary wall, fence or gate on the street front or within the boundaries of the premises.
9. A security sign may be illuminated with the consent of the Municipality, but may not be animated.

#### **45. BALCONY, VERANDA, CANOPY AND UNDER-AWNING SIGNS**

1. A balcony, veranda, canopy or under-awning sign may be erected only on premises used for commercial, office, industrial or entertainment purposes and requires the specific consent of the Municipality.
2. Signs in this class may not interfere with any safety issues determined by the Municipality from time to time.
3. An under-awning sign may be suspended above a sidewalk.
4. The following is applicable to signs on veranda roofs:

(a) Signs on adjacent buildings must be aligned with each other in order to form a straight line.

(b) A sign must as far as possible be parallel to the street face of the veranda.

(c) A sign may not extend beyond the veranda roof.

5. Signs under this class may not cover any window or obstruct the view from any window.

#### **46. FORECOURT SIGNS**

1. A forecourt sign may be displayed in all areas of control in the centre of economic activity subject to the specific consent of the Municipality.
2. The total sign area of all free-standing forecourt signs may not exceed 5m<sup>2</sup> on each forecourt frontage, except in the case of filling stations and roadside service areas, where it may not exceed 8m<sup>2</sup>.
3. In the case of filling stations and roadside service areas, additional non-free-standing signs with a maximum area of 1,5m<sup>2</sup> per sign may be allowed if attached to fuel pumps, vending machines and other non-advertising structures.
4. A forecourt sign may be free standing, except for a sign attached to a fuel pump, vending machine or other non-advertising structure in a filling station or roadside service area.
5. A forecourt sign may not be displayed in a road reserve and may not interfere with pedestrian circulation.
6. A forecourt sign may not be movable.

#### **47. RESIDENTIAL OR COMMUNITY SIGNS**

##### **47.1 Signs at a home industry**

1. The dimensions of the sign may not exceed 500 mm x 500 mm (unless otherwise stipulated in an Annexure B or consent-use or in terms of the relevant Land Use Scheme as amended from time to time).
2. The advertising structure may not be higher than 3 m.
3. The specific consent of the Municipality is required.
4. The sign must form an integral part of the architecture of the boundary wall or fence on the street frontage of the premises.
5. Where there is no street boundary wall, the sign must form an integral part of a substantial architectural element, and be designed and placed on the premises to the satisfaction of the Municipality.
6. The sign may not, at the discretion of the Municipality, in any way detrimentally affect the residential character or amenity of the neighbourhood or the surroundings.
7. The dominant content of the sign is to be the name of the enterprise.
8. No product advertising or advertising for sales of any kind is allowed on the sign.

9. No sign, with the exception of street numbers, may be painted on boundary walls.
10. Only one sign is permitted per street front on premises.
11. A sign at a home enterprise may be illuminated with the consent of the Municipality, but may not be animated.

#### **47.2 Signs at community institutions and facilities**

1. The sign area of community institutions and facility signs may not exceed 6 m<sup>2</sup>.
2. The advertising structure may not be higher than 3 m unless otherwise approved by the Municipality.
3. The specific consent of the Municipality is required.
4. Only one sign is permitted per street front per institution or facility.
5. If a sign structure is orientated at right angles to the street, a double-sided face is permitted but the sign area on each face may not exceed 6 m<sup>2</sup>.
6. The name and logo of a sponsor may not take up more than 20% of the sign area.
7. In cases where more than one community institution or facility share the same premises, a combination sign that does not exceed 12 m<sup>2</sup> in sign area may be permitted.
8. The sign must form an aesthetic and integral part of the architecture of the boundary wall on the street front of the premises.
9. Where there is no street boundary wall, the sign must form an integral part of a substantial architectural element, and be designed and placed on the premises to the satisfaction of the Municipality.
10. The sign(s) may be illuminated with the consent of the Municipality, but may not be animated.

#### **47.3 Community project signs**

1. Community project signs are subject to the approval of the Municipality.
2. The size, position and scope of these signs shall be determined by the Municipality.
3. Community project signs shall not conflict with any other sign class contained in this bylaw or policy of the Municipality.
4. The approval period of signs under this class shall be determined by the Municipality.
5. Community project signs shall not be permitted within any road reserve.

#### **48. BRIDGE SIGNS**

1. A bridge sign may not be constructed in a natural area or an area of maximum control unless otherwise approved by the Municipality.

2. A bridge sign may not be constructed on a freeway.
3. Signs affixed to bridges may be permitted in areas of partial and minimum control and are subject to the specific consent of the Municipality.
4. Signs affixed to bridges must form an integral part of the design of the structure.
5. Signs affixed to bridges shall not extend beyond the top, below or beyond any extremities of the design of a bridge.
6. Signs affixed to bridges may not project more than 300mm from the wall of a bridge.
7. The clear height of a bridge sign may not be less than 5,5 m.
8. Illumination may be permitted subject to the stipulations of clause 11.

#### **49. CONSTRUCTION SITE SIGNS**

1. A construction site sign is permitted in all areas of control.
2. A construction site sign requires the specific consent of the Municipality.
3. A construction site sign shall form part of the boundary of construction site to conceal construction and/or an unsightly condition in the opinion of the Municipality, arising from the use of the property.
4. A construction site sign may be erected only for a period of one year, after which the approval can be renewed subject to a renewal application submitted and such additional conditions as the Municipality deems fit, on payment of the requisite fees.
5. The size and height of a construction premises sign may be limited by the Municipality.
6. A construction site sign may be illuminated.
7. A construction site sign may not project more than 100 mm from the surface to which it is affixed.

#### **50. BUILDING WRAP SIGNS**

1. A building wrap sign is only permitted in areas of minimum and partial control and requires the specific consent of the Municipality.
2. The shape dimensions and area of the sign will be as determined by the Municipality.
3. External illumination of a building wrap sign may be permitted at the discretion of the Municipality.
4. A building wrap sign may be considered for approval for a period of one year, after which the approval may be renewed subject to a renewal application submitted and such additional conditions as the Municipality deems fit, on payment of the requisite fees.

#### **51. DEVELOPMENT SIGNS**

1. A development sign requires the specific consent of the Municipality.
2. A development sign may display only –

- (a) a visual representation or description of the building or structure being erected or other work or activity being carried out;
  - (b) a visual representation or description of the development being carried out; and
  - (c) where relevant, details of the type of accommodation being provided, floor space available and the name, address and telephone number of the developer or the agent of the developer.
- 3. A development sign may not exceed a sign area of 18m<sup>2</sup>.
  - 4. Only one development sign per road frontage is allowed per site.
  - 5. The clear height of a development sign may not be less than 2,4 m.
  - 6. A development sign may be illuminated but not animated.
  - 7. A development sign may be considered for approval for a period of 12 months, after which the approval may be renewed subject to a renewal application submitted and such additional conditions as the Municipality deems fit, on payment of the requisite fees.

## **52. AERIAL SIGNS**

- 1. An aerial sign is not permitted in natural areas and areas of maximum control.
- 2. An aerial sign requires the specific consent of the Municipality.
- 3. An aerial sign may not be illuminated or animated, with the exception of moored airships, which may be illuminated.
- 4. With the exception of a moored airship, an aerial sign may be displayed only during daylight hours.
- 5. No aerial sign may be displayed for a period exceeding two weeks in any calendar year.
- 6. No captive or unmanned free balloon may be flown without the written permission of the Commissioner of Civil Aviation after the permission of the Municipality has been granted.
- 7. Only the name of the business and/or product and one commercial article may be displayed on the sign.
- 8. A public liability policy to a value determined by the Municipality from time to time and proof of submission of the application to the Commissioner of Civil Aviation must accompany an application.
- 9. An aerial sign may not be flown at a height of more than 45 m above the surface (measured from ground level or from the surface on which a towing vehicle or vessel is travelling, to the top of the craft or object displaying the sign).

## **53. ROOF SIGNS**

- 1. A roof sign may only be permitted in areas of partial and minimum control.
- 2. A roof sign requires the specific consent of the Municipality.
- 3. The Municipality may require a scoping report or EIA for the display of a roof sign.

4. Only locality-bound roof signs are permitted in areas of partial control.
5. The bottom of the roof sign may not be more than 120 mm above the closest portion of the roof beneath it.
6. The main axis of a roof sign must be horizontal.
7. A roof sign in any other shape or form is subject to the specific consent of the Municipality.
8. A roof sign may not exceed 300 mm in thickness.
9. Roof signs must be placed so as not to form part of the skyline of buildings.

#### **54. SKY SIGNS**

1. Sky signs are permitted only in areas of minimum control.
2. Sky signs require the specific consent of the Municipality on the basis of an EIA, which must include the visual content of the advertisement envisaged.
3. The number of sky signs to be permitted in the central business district or other commercial node will be decided on the basis of the EIA.
4. A sky sign may not obstruct the view from any other building.
5. The advertisement content of an approved sign may not be changed without further approval based on an additional impact assessment.

#### **55. FLAT SIGNS**

1. A flat sign requires the specific consent of the Municipality.
2. An advertising sign scoping report may be required for a non-locality-bound flat sign in excess of 36 m<sup>2</sup>.
3. A non-locality-bound flat sign may be considered and evaluated in terms of criteria relating to high-impact signs.
4. The maximum projection of any part of a flat sign over a sidewalk or ground level must be 75 mm where such sign is less than 2,4 m above the sidewalk or ground level immediately below such sign, and 300 mm where such sign is more than 2,4 m above such sidewalk or ground level.
5. No flat sign may cover a window or any other external opening of a building, or obstruct the view from such an opening.
6. A flat sign may not extend above the top or beyond either end of the wall to which it is affixed.
7. A flat sign may consist of a panel, sheet or individual numbers, letters or symbols.
8. A flat sign can be attached to any wall of a building.
9. A locality-bound flat sign is permitted in all areas of control.
10. A non-locality-bound flat sign is only allowed in areas of partial and minimum control.
11. Illumination is subject to specific consent in accordance with the prescribed luminance levels.

12. A flat sign may be animated in areas of partial and minimum control.

#### **56. SIGNS PAINTED ON WALLS AND ROOFS OF A BUILDING**

1. Signs painted on walls and roofs require the specific consent of the Municipality.
2. Signs painted on walls and roofs are permitted only in areas of partial and minimum control.
3. Signs under this class are allowed on any wall of a building.

#### **57. WINDOW SIGNS**

1. Window signs are subject to deemed consent.
2. Window signs are permitted in all areas of control.
3. The total area of all permanent signs painted on or attached to the windows of a specific enterprise may not exceed 50% of the total ground floor window area of such an enterprise.
4. In areas of maximum control, colours, in the opinion of the Municipality, will be in harmony with the rest of the building and the general streetscape.

#### **58. FREE-STANDING SIGNS AT EDUCATIONAL FACILITIES AND INSTITUTIONS**

1. Free-standing signs at educational facilities and institutions require the specific consent of the Municipality.
2. Free-standing signs at educational facilities and institutions may indicate the name and nature of the facility or institution and the name of a sponsor.
3. The top of free-standing signs at educational facilities and institutions may not be higher than 8, 5 m, unless otherwise approved by the Municipality.
4. Free-standing signs at educational facilities and institutions must be divided into signs of equal size, height, form and construction.
5. No more than one high-impact sign per street front facing an area of partial control and no more than two high impact signs facing an area of minimum control may be considered (subject to the spacing of high impact signs herein) on an educational facility premises and is subject to the approval of the Municipality.
6. Free-standing signs at educational facilities and institutions and supporting structures must either form an aesthetic and integral part of a substantial architectural element or harmonise with buildings, boundary walls or nearby and other structures on the premises as far as materials, colour, texture, form, style and character are concerned and be placed near the street frontage boundary, to the satisfaction of the Municipality.
7. Illumination is subject to specific consent in accordance with the prescribed luminance levels, but may be limited or restricted by the Municipality.
8. Free-standing signs at educational facilities and institutions will not, at the discretion of the Municipality, in any way detrimentally affect the character and amenity of the neighbourhood or any other amenities of the area and/or surroundings.

#### **59. BOUNDARY WALL SIGNS**



1. A boundary wall sign requires the specific consent of the Municipality.
2. A boundary wall sign is only permitted in industrial areas of minimum control.
3. The maximum size of letters shall not exceed 750 mm.
4. Only one sign is allowed per street frontage.
5. The sign must form an integral part of the architecture of the wall on the street frontage of the premises.
6. The sign may not, at the discretion of the Municipality, in any way detrimentally affect the character and amenity of the neighbourhood or any other amenities of the area and/or surroundings.

#### **60. STACK SIGNS**

1. A stack sign is only permitted in areas of minimum control zoned for industrial use in terms of the relevant land use scheme and requires the specific consent of the Municipality.
2. The maximum height of a stack sign may not exceed 7, 5 m, except by means of an application for a relaxation of height restriction in terms of the relevant land use scheme or policies, as the case may be, as amended from time to time.
3. A stack sign may only be permitted on lower-order roads.
4. The minimum clear height of a stack sign is 2, 1 m.
5. The width of a stack sign may not be less than 2, 1 m and not more than 3, 0 m.
  - a. The vertical dimension of individual panels may not be less than 1 m, and no more than 5 panels are permitted per side of the sign.
  - b. No more than two stack signs are permitted close to any intersection.
6. A stack sign may be double-sided.
7. A stack sign may not be animated.

#### **61. VEHICULAR ADVERTISING**

1. Vehicular advertising is permitted in all areas of control subject to authority of Council.
2. No transportation vehicle may stand or be parked in any road reserve or portion of a road reserve if the vehicle is being used for the primary purpose of advertising of services or sales.
3. Illumination of vehicular advertising is limited to the following:
  - a. An internally illuminated sign that indicates that a taxi is for hire;
  - b. Retro reflective signs with the colour red to the back, yellow to the side and white to the front of a vehicle.

#### **62. PROJECTING SIGNS**

1. A locality-bound projecting sign is allowed in all areas of control.
2. A non-locality-bound projecting is allowed only in areas of minimum and partial control.

3. A projecting sign requires the specific consent of the Municipality.
4. A locality-bound projecting sign is limited only to buildings used for commercial, office, industrial or entertainment purposes and larger accommodation facilities.
5. A projecting sign must be mounted in a way that provides a minimum clear height of 2, 4 m.
6. A projecting sign may not exceed 300 mm in thickness.
7. A projecting sign may not project more than 1, 0 m over the building line.
8. A projecting sign must be at least 4, 5 m from any other vertical sign.
9. A projecting sign may not project above the parapet or edge of a roof.
10. Only one projecting sign is allowed per enterprise facade.
11. A projecting sign must be fixed at right angles to the street line.

#### **63. PYLON SIGNS**

1. A pylon sign refers only to the types of services provided at such a facility.
2. A pylon sign must be locality bound and may be erected or displayed in facilities adjacent to and directly accessible from a road at which the sign is directed.
3. Pylon signs are permitted in all areas of control.
4. A pylon sign requires the specific consent of the Municipality.
5. A pylon sign may be a maximum of 7, 5 m in height. A height increase may be considered subject to the approval of an application for a height restriction relaxation in terms of the relevant land use scheme as amended from time to time.
6. A pylon sign may be illuminated.
7. A pylon sign may not be animated.
8. Advertisements on a pylon sign refer only to the name and logo of the business providing the service and the type of service provided.
9. The design of the structure must harmonise with the architecture of the particular building or other adjacent buildings or structures.
10. Messages on individual signs must be concise and legible.
11. The content of individual panels of such a sign must be harmonious in terms of form, letter types and colour.

#### **64. TOWER SIGNS**

1. Tower signs are permitted only in areas of minimum control and require the specific consent of the Municipality.
2. Tower signs shall not be animated.
3. Tower signs shall only be externally illuminated.

4. Tower signs may not be permanent in nature and may only be displayed for a period not exceeding 12 months.
5. The height of a tower sign shall be determined by the Municipality.
6. Tower signs shall not be permitted within a road reserve.

**65. ADVERTISING VEHICLES (TRAILERS)**

1. 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:
  - (a) 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;
  - (b) 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;
  - (c) 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.
2. 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 -
  - (a) 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
  - (b) provided that if no approved designated site(s) exists, Advertising Vehicle signs shall only be permitted to be displayed if the signs are mobile at all times and comply with legislation and conditions imposed by the Council.
3. 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 or be completely covered at all times whilst on such property so that the advertisement of such vehicle is not visible to a person who stands, drives by or walks past the property. (I suggest insertion of the redlined text in order to curb advertising from private properties and still allow the owner of an advertising vehicle to park anywhere where it is convenient for him/her within his/her private property.
4. 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.
5. 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 and remove or arrange for the removal of the advertising vehicle and impound such vehicle.
6. Unless an advertising vehicle impounded by the Council in terms of subsection (e) has been reclaimed within a period of three months (3) 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.

7. Impounded Advertising Vehicles shall only be released by Council after all removal, impoundment and storage fees have been paid in full and an original registration certificate of the impounded vehicle have been submitted for verification of ownership before the release of the vehicle from such impoundment.
- a) Should an impounded vehicle being considered for release be in condition that it may not be operated on a public road; the owner of the vehicle shall also be required to produce a special permit or to provide a towing vehicle in order to avoid illegally operating such vehicle on a public road.
  - b) Impoundment and storage fees shall be charged as per approved and applicable annual tariff of charges, fees or levies and in accordance with the terms and conditions of such tariffs, levies or fees.
  - c) For any immediate request for release of any vehicle which has been used in contravention of this by-law and subsequently impounded, Council shall be entitled to a full charge or full amount of all storage fees as if the vehicle had been held in storage for more than thirty-six (36) hours and the authorised claimant or owner of the vehicle shall be charged in accordance with the terms and conditions applicable to such storage fees, levies or tariffs as annually approved by Council.

## CHAPTER 5

### MISCELLANEOUS

#### 66. OFFENCES AND PENALTIES

1. Any person who:
- (m) contravenes or fails to comply with any provision of this by-law or the conditions of approval of an application for a sign;
  - (n) contravenes or fails to comply with any requirement set out in a notice issued and served on him /her in terms of this by-law;
  - (o) contravenes or fails to comply with any condition imposed in terms of this by-law;
  - (p) cut, prune, damage or remove a tree for the purpose of displaying an advertisement without the specific consent of the Municipality;
  - (q) knowingly makes a false statement in respect of any application in terms of this by-law;
  - (r) without complying with any provisions of any other law as a requirement for the exercising of any application for approval in terms of this By-law;
  - (s) in any way willfully obstructs, hinders or without any reasonable or just cause interferes with an authorized official who is engaged in the execution of his/her duties shall be guilty of an offence and may, on conviction, be liable for payment of a fine not exceeding R6 000, 00 or 6 months' imprisonment will be guilty of an offence and will, on conviction, be liable for a payment of R 6 000, 00 or 6 months' imprisonment.
2. Any sign or advertisement that is erected, distributed, hoisted, maintained, suspended, parked or displayed on any public space without specific consent or in contravention of this

by-law may be disposed of by the Municipality within seven (7) days from such removal without notice, at the cost of the responsible person who displayed or caused or allowed the sign or advertisement to be erected, distributed, hoisted, maintained, suspended, parked or displayed.

3. Any advertiser who is found in contravention of any part of this bylaw shall if found guilty of an offense be held accountable in terms of this bylaw.

4. Any sign erected in contravention of the land use rights, then nothing contained herein may prohibit the Municipality from taking any law enforcement actions against the owner of land with regard to the land use rights being exercised on the property.

5. Nothing contained herein shall prevent the Municipality from imposing, in addition to the civil and criminal options available, a rate penalty as per the Municipality's approved Rates Policy against an owner of a property or a vehicle who is in contravention of any provision of this bylaw.

#### **67. AREAS OF CONTROL**

\*Refer to annexure

#### **68. REPEAL OF BYLAWS**

The following by-law is hereby repealed:

- (a) City of uMhlathuze: Advertising Signs Bylaws, 2002 and all its subsequent amendments

The By-law for the Control of Outdoor Advertising presented in this document will prevail unless repealed or amended by the Council and will supersede all other by-laws within the municipal area in as much as they may be in conflict with it.

#### **69. SHORT TITLE AND COMMENCEMENT**

This by-law is called uMhlathuze By-law for the Control of Outdoor Advertising, and takes effect on the date of its promulgation in the Provincial Gazette.

#### **70. SAFETY**

1. Notwithstanding the other provisions of this by-law, no advertising sign shall –
  - (a) constitute a danger to life or property or cause an obstruction to persons or premises;
  - (b) be attached to traffic signs or signals or combined with traffic signs unless otherwise allowed by the South African Road Traffic Safety Manual, obscure traffic signs or signals, or create confusion with traffic signs, interfere with the functioning of traffic signs or create road safety hazards, as determined by the Municipality;
  - (c) be placed on traffic islands or be attached to power masts, trees, pillars, fencing, electrical substations or any other similar structures;

- (d) obstruct fire escapes or passages to fire escapes;
  - (e) be placed closer to overhead power lines than the minimum clearance prescribed by any law;
  - (f) be erected without approval of the Municipality or in contravention of any provision of the National road Traffic Act, 1996, (Act no 93 of 1996).
2. Failure by any person to comply with the provisions of subsection 1 above shall constitute an offense.
3. No advertising sign shall -
- (a) be so placed as to distract, or contain an element which distracts, the attention of drivers of vehicles in a manner likely to lead to unsafe driving conditions;
  - (b) be illuminated to the extent that it causes discomfort to adjacent residents or inhibits the vision of approaching pedestrians or drivers of vehicles;
2. When considering applications for approval of signs and advertisements that will face any public space, the Municipality must evaluate, according to road traffic sign standards published under applicable road traffic legislation, prevailing traffic conditions and the roadside environment, whether –
- (a) the advertising sign, together with other any other signs in the area, if any, will affect the visibility of road traffic signs due to potential visual clutter;
  - (b) the size of the advertising sign, or any portion thereof in terms of its colour, letter size, symbols, logo, graphics or illumination will have the effect of distracting the attention of drivers of vehicles from the task of driving and lead to unsafe driving conditions;
  - (c) the number of road traffic signs and other advertising signs in the area constitute a driving hazard by distracting the attention of drivers of vehicles from the task of driving and leading to unsafe driving conditions;
  - (d) the colour, or combination of colours, contained in the advertising sign correspond to the colours or combinations of colours specified for road traffic signs;
  - (e) the colours red, amber or green in the content of an advertisement erected in the vicinity of a signalised intersection will constitute a road safety hazard;
  - (f) the portrayal of a road traffic sign in the content of an advertisement will constitute a road safety hazard;
  - (g) the speed limit and the extent to which traffic adheres to the speed limit, the traffic volume, the average following distance and the accident history of the road demand more stringent control of the display of advertising signs;
  - (h) the amount of information contained in the advertising sign, measured in bits, is within prescribed limits;
  - (i) the advertising sign is suitably positioned and orientated;
  - (j) the position of the advertising sign will negatively affect the visibility of, sight distance to or effectiveness of any road traffic sign or series of such signs;
  - (k) the advertising sign could be mistaken to represent a road traffic sign;

- (l) the illumination of advertising signs or the light source of such illumination is likely to distract drivers' attention from road traffic signs that are not illuminated;
  - (m) the position of advertising signs would disrupt the sequence of information on road traffic signs for drivers who encounter a series of road traffic signs intended for traffic regulation, warning or guidance, in cases where the applicable speed limit on the road exceeds 60 km per hour;
  - (n) the position of any advertising sign would potentially distract drivers' attention at places where traffic turns, negotiates curves, merges or diverges, or in the vicinity of intersections or interchanges, or where the drivers' uninterrupted attention to driving is important for road safety;
  - (o) the distance of any advertising sign before any road traffic sign, an advertising sign's position in between road traffic signs or an advertising sign's distance behind any road traffic sign is of such a nature as to distract a driver's attention from any road traffic sign; and
  - (p) the advertising signs will impede the operation of non-motorised traffic.
3. The Municipality may increase the minimum spacing between advertising signs, intersections or place further restrictions on the position, size and content of any sign, if it considers this necessary in the interests of road safety.
  4. No advertising sign that emits a noise, sound, smoke, smell or similar sensory stimulus will be allowed to be erected or displayed.
  5. When erecting or removing an advertising sign or advertisement, no person shall cause any damage to any tree, electrical pole, electrical service (e.g. mini-substation) or any other public installation, building or property. Should any damage be caused, it shall constitute malicious damage to public property and constitute an offence and the cost of repair or replacement thereof shall be for the account of the owner of the advertising sign and or advertisement who caused it to be displayed or removed.
  6. The owner of the advertising sign must ensure that the advertising structure and the procedures followed to maintain the structure or change the content of an advertisement are safe and do not pose a safety risk of any nature.
  7. No person is allowed to exhibit or display any products or services on a moveable or loose- standing device, board, advertising sign, screen or structure on any part of any road reserve in the municipal area.
  8. No person shall hoist, display, distribute or erect flags, display boards, bunting, balloons, banners, parking caravans, cars, trailers, containers, gazebos, tents, or similar devices or material on any part of a road reserve in the municipal area for the purpose of displaying advertising signs.
  9. Where specified in the conditions of approval of an advertising sign to be erected, such advertising sign must comply with the uMhlathuze Municipal by-laws and related policies with regard to wayleave approval processes as amended from time to time

#### PREAMBLE

**WHEREAS** section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the right to administer local government matters listed in Part B of Schedules 4 and 5; and

**WHEREAS** section 156(2) of the Constitution empowers municipalities to make and administer by-laws for the effective administration of the matters they have the right to administer; and

**WHEREAS** the control of outdoor advertising falls within the ambit of the powers vested in a municipality; and

**WHEREAS** the uMhlathuze Municipality has resolved to promulgate the by-law as set out below in terms of section 12 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000); and

**WHEREAS** the erection of a sign in terms of this By-law is regarded as a use of a property over and above the provisions of uMhlathuze Land Use Scheme; and

**WHEREAS** the uMhlathuze Municipality in terms of the Local Government Property Rates Act, 2004 may determine the categories of rating in terms of section 8 of the said Act where signs have been erected without the express written permission of the City; and

**WHEREAS** in the control and management of advertising the property may only be "permitted to be used" for advertising, if such advertising is approved in terms of this By-law; and

**WHEREAS** the uMhlathuze Municipality seeks to manage signs that are erected on land where it is not permitted herein;

NOW THEREFORE BE IT ENACTED by the Council of the Umhlathuze Municipality as follows:

#### **SCOPE OF THIS BY-LAW**

1. This by-law is applicable to and regulates outdoor advertising in the jurisdiction of the uMhlathuze Municipal area.
2. This by-law shall apply to any property and public space within the jurisdiction of the uMhlathuze Municipality irrespective of ownership or control and management of the property or public space by any sphere of government in so far as it relates to a sign as defined in terms of this by-law and related Municipal policies, read with Schedule 4 and 5 of the Constitution of South Africa, 1996.
3. This by-law shall apply to any person or organ of state advertising on any sign erected within the jurisdiction of the Municipality as defined in terms of this by-law.
4. This by-law shall apply irrespective of any zoning or other permission for the use of property or public space in terms of any other legislation or agreement that may have been entered into by any owner, occupant or user of any property or public space.
5. The approval of a sign in terms of this by-law must not be construed as approval in terms of any other act, ordinance, by-law or regulation, and approval must be obtained in the manner prescribed in the relevant act, ordinance, by-law or regulation.
6. Any sign as defined in terms of this By-law, indicated on any other application required by the Municipality in term of any legislation, as part of a requirement for information and evaluation, shall not be approved by virtue of that application, but shall be dealt with in terms of this By-law.
7. With the exception of street furniture signs, no person may allow another person to erect, distribute, maintain or display a third party advertisement, except where the property or public space is in an area of partial or minimum control and only after the municipality has specifically consented to this.
8. No person may build, erect, distribute, hoist, maintain or display a sign or allow any other person to do so in a place or on a building or structure that it is visible from any property or public space without the consent of the Municipality.



**7. SHORT TITLE AND COMMENCEMENT**

This By-law is called the **MUNICIPAL OUTDOOR ADVERTISING SIGNS BYLAWS**, and takes effect on the date of Publication in the Gazette.

DMS 1362886ds

