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THE Msunduzi Municipality, acting in terms of section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) read with section 1.1 of the said Act, hereby publishes the Bylaws set forth hereunder, as made by the Municipality, which bylaws shall come into operation on the date of publication hereof.

THE MSUNDUZI MUNICIPALITY

ADVERTISING SIGNS BYLAWS

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## 1. Definitions

In these Bylaws, unless the context indicates otherwise -

**"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 as its object the furthering of any industry, trade, business undertaking, event, or activity of whatever nature and which is visible from any street, road or public place:

**"advertising policy"** means the Policy on Outdoor Advertising as adopted by the Municipality of the Msunduzi Municipality, as amended from time to time,

**"advertising signage structure"** means any physical structure built to display 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 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 an advertising sign may include all proposed advertising signs per business, per site:

**"approval"** means approval by the Municipality or its duly 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 Municipality's Policy on Outdoor Advertising, in accordance with the visual sensitivity of the area and traffic safety conditions;

**"billboard"** means any screen, board, 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 advertisements mainly of non-locality bound products, activities or services;

**"bill-sticker"** means a poster pasted by means of an adhesive directly onto an existing surface not intended specifically for the display of a poster;

**"bit"** means the basic unit for measuring the length of advertising messages and may consist of letters, digits, symbols, logos, graphics or abbreviations;

**"canopy"** means a rigid roof-like projection from the wall of a building,

**"cantilever"** means a projecting feature that is dependent for its support on the main structure of a building without independent vertical or other supports;

**"change of face"** means an alteration to the content of the advertisement displayed on an approved signage structure;

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

**"Council"** means the Msunduzi 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;

**"curtilage"** is the whole of the area of land within the boundaries of the subdivision 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 Municipality 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;

**"display"** means to erect or expose an advertising sign or structure to the public view by any method whatsoever;

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

**"election advertisement"** means an advertisement used in connection with any national, provincial, or municipal election, by-election or referendum;

**"encroaching sign"** means a sign which extends beyond the street line or boundary of a public street;

**"environmental impact assessment"** in relation to outdoor advertising means an assessment of the impact that an advertising sign or structure may have on the visual, social and traffic safety aspects of the specific environment;

**"estate agents' board or show sign"** means an advertisement that is temporarily displayed to advertise the fact that land, premises, development or other fixed properties are for sale or to let;

**"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 and which at no point projects more than 250mm from such wall;

**"gore"** means the area immediately beyond the divergence of two roadways bounded by the edges of those roadways;

**"ground sign"** means any sign other than an aerial sign or a billboard, detached from a building and displayed on -

(a) poles, standards or pylons, the bases of which are firmly embedded and fixed in the ground and are entirely self-supporting, rigid and inflexible, or

(b) any fence or wall not being the wall of a building;

**"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;

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

**"locality-bound sign"** means a sign displayed on a specific site, premises or building and which refers to an activity, product, service or attraction located or provided on or in such premises or building;

**"municipal property"** includes all property, whether movable or immovable, which is owned by, vests in or is under the control of the Municipality,

**"non-locality-bound sign"** means a sign displayed on a specific site, premises or building and which does not refer to an activity, product, service or attraction located or provided on or in such premises or building;

**"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"**, in relation to any premises, means any person who is in actual occupation of such premises and if no person is in actual occupation thereof, any person who whether as owner, lessee, licensee or otherwise has, for the time being, control of such premises and shall include a street trader who occupies a site for the purposes of such street traders business;

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

**"outdoor advertising"** means any form of advertising as defined, visible from any street or public place and which takes place out of doors;

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

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

**"portable board"** means any self-supporting sign or any other collapsible structure which is not affixed to the ground and which is capable of being readily moved;

**"poster"** means a sign 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 laser projector, video projector or other apparatus but does not include a sign projected onto a drive-in cinema screen during a performance;

**"projecting sign"** means any sign which is affixed to a wall of a building and protrudes more than 300 mm 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 Municipality and to which the public has access;

**"remote or third party advertising"** means that the content of such advertisement is unrelated to anything being undertaken on the premises on which such advertisement is displayed;

**"return wall"** means any external wall of a building or any other wall, which faces any boundary other than a street facade;

**"road reserve"** means the area contained within the statutory width of a road;

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

**"road traffic sign"** means any road traffic sign as defined in the Road Traffic Act;

**"roof sign"** means a sign painted or affixed directly onto the roof covering of a building;

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

**"sign"** means any physical structure or device used, intended or adapted for the display of an advertisement;

**"signalised traffic intersection"** means an intersection controlled by traffic lights;

**"sky sign"** means a sign that is placed or erected on or above a roof, parapet wall of a roof or eaves of a building but does not include a sign painted on the roof of a building;

**"specific consent"** means the written approval of the Municipality which is required on submission of a formal application;

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

**"street name signs"** means 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;

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

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

**"under-awning sign"** means a sign suspended or attached to the soffit of a canopy or veranda;

**"verandah"** is a roofed structure attached to or projecting from the facade 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 250 m from the road reserve boundary of a freeway in an urban area ;

**"zone"** means the land use zone as defined in the Msunduzi Town Planning Scheme in the course of preparation.

## **2. Approval for Advertisements and Signs**

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

## **3. Exempt Advertisements and Signs**

Subject to the provisions of these Bylaws, advertisements or signs for which no approval is required are as follows:

(a) Any non-illuminated advertisement displayed inside a building or on the internal side of a display- or shop from window;

(b) Project boards project and displayed within the curtilage of the premises whilst building work is in progress and limited to one per street frontage and 10 be removed within 30 days of completion of the project;

(c) National flag or any country except when 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.

(d) Any change of face to any remote advertisement displayed or erected if approval has already been granted by the Municipality for the advertising signage structure; and

(e) Aerial advertising by means of an aircraft provided [hat the necessary approval has been obtained from the Civil Aviation authority including any conditions and requirements as prescribed.

#### 4. Application, Assessment and Appeal Procedure

(1) Every person intending to display, erect, alter or maintain any advertisement or sign, for which the prior written permission of the Municipality is required, shall submit a written application to the Municipality on the prescribed form together with the prescribed fee in accordance with the Municipality's Tariff of Charges together with any other documentation that may be required by Municipality. The application shall be signed by the owner of the proposed advertising sign and by the registered owner of the land or building on which the advertising sign is to be erected or displayed or, on behalf of the owner of the land or building, by his 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, features and all existing signage on the site and showing the streets and buildings on properties abutting the site

(c) Detailed dimensioned drawings sufficient to enable the Municipality to consider the appearance of the sign or advertisement including materials, construction and illumination details.

(d) Detailed dimensioned drawings showing the full text and graphic details of the advertisement to a scale of minimum 1:20 where applicable.

(e) Detailed dimensioned elevations and sections to a scale of minimum 1:100 showing the position of the advertisement or sign in relation to the buildings, structures, features and other existing advertising signs on the site and in the surrounds.

(f) Coloured photographs to illustrate the position of the sign in relation to the buildings, structures, features and other existing advertising signs on the site and in the surrounds,

(g) Such other additional drawings. Environmental Impact Assessments or photographs as are necessary, in the opinion of the Municipality, to clarify the true nature and scope of the application.

(2) In certain circumstances, the Municipality may accept drawings that show only a portion of the plan or elevation of a building, 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) 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) The applicant shall indemnify the Municipality against any consequences arising from the erection, display or presence of such advertising sign.

(5) All signs erected or displayed shall comply with any relevant legislation.

(6) In considering any application, the Municipality shall, in addition to any other relevant factors, ensure that the design and display of any advertising sign conforms to Municipality's Policy on Advertising and to SAMOAC's guidelines for the control of advertising in terms of the general conditions and principles as set out in these documents, as amended from time to time.

(7) The Municipality may refuse an application or grant its approval, subject to such conditions as it may deem expedient but not inconsistent with the provisions of these Bylaws or Municipality's Policy on Outdoor Advertising, as amended from time to time.

(8) An approval or refusal of an application by the Municipality shall be made in writing with reasons provided within 14 days of a complete application having been submitted in terms of these Bylaws.

(9) On approval, a complete copy of the application as submitted shall be retained by the Municipality for record purposes.

(10) (a) Any advertisement or sign erected or displayed shall be erected or displayed in accordance with the approval granted and any condition or amended condition imposed by such approval.

(b) The person who erects an approved sign shall notify the Municipality within 7 days of such sign or advertisement being erected.

(11) (a) The person to whom permission has been granted for the display of any advertisement or sign which extends beyond any boundaries of any street or public place shall enter into a written encroachment agreement with the Municipality.

(b) Such person shall indemnify the Municipality in respect of the sign and be liable to Municipality for the prescribed annual encroachment rental.

(12) Approval of any advertising sign shall be at the pleasure of the Municipality and shall endure for such period as may be determined by the Municipality either in relation to the advertising structure or to the advertising content or both, whereafter a new application for consideration shall be submitted to the Municipality for approval in terms of these Bylaws.

(13) The applicant may appeal in writing to the Municipality against the refusal of an application or any condition imposed by the Municipality.

(14) The appeal referred to in subsection (13) shall be lodged within 30 days of the date of the notice and will be submitted in writing, setting out the nature and grounds of the appeal, which shall be forwarded together with a covering report thereon for recommendation to the relevant Committee of Municipality for a final decision.

## **5. Withdrawal or Amendment of Approval**

(1) The Municipality may, at any time, withdraw any approval or amend any condition or impose a further condition in respect of such approval if in the opinion of the Municipality an advertising sign does not conform to the guidelines for the control of signage in terms of Municipality's Policy on Advertising or SAMOAC, or if the advertisement or sign does not comply with any of the conditions of approval, or for any other reason the Municipality may deem fit.

(2) (a) The Municipality may at any time revoke its approval for the display of an encroaching sign and cancel the encroachment agreement referred to in subsection (11)(a) of section 4, and shall give notice in writing to the owner or applicant of such decision.

(b) The owner or applicant shall advise the Municipality in writing of the details of any transfer of ownership of any encroaching sign.

(3) An approved sign shall be erected within 6 months from the date of approval whereafter such approval shall lapse unless written application for extension is made, which shall be granted for one additional period of 6 months.

(4) Any application which has been referred back to the applicant for amendment shall be resubmitted within two months of the date of the referral notice, failing which the application shall lapse.

(5) Permission for an advertising sign is granted to the applicant only and shall lapse if he ceases to occupy the premises, provided that written approval may be granted by the Municipality to transfer this right to the new occupier of the premises which approval shall be applied for within thirty days from the date of the new occupation.

(6) An electronic or illuminated advertisement which, in the opinion of the Municipality, causes a disturbance to the occupants of any affected premises shall be altered in such a manner as prescribed by the Municipality in writing or be removed by the applicant or occupier within such period as may be specified by the Municipality.

(7) The permission granted in respect of any advertisement or sign shall lapse when any alteration or addition is made to such advertisement or sign without the further approval of the Municipality provided that Municipality may approve minor alterations at its discretion by means of an endorsement on the original approval.

## **6. Structural Requirements**

(1) All signs shall be properly constructed and erected and shall be properly secured, fixed and/or anchored, to the satisfaction of the Municipality.

(2) All signs, including supports and framework, shall be constructed of non-combustible, durable and safe materials suitable for the particular design of the sign.

(3) The Municipality may call for certification by a Professional Engineer or approved competent person in respect of the structural stability and safety of any sign.

(4) Adequate provision shall be made for proper drainage of all advertising signs.

(5) The supporting framework and attachment points of any sign shall be neatly constructed as an integral part of the design of the sign or otherwise concealed from view, to the satisfaction of the Municipality.

## **7. Electrical Requirements**

Every electronic and illuminated advertising sign including its supports and framework, shall be constructed entirely of non-combustible materials and shall be installed in accordance with, and subject to, the provisions of the Municipality's Electricity Supply Bylaws and the Code of Practice for the wiring of premises in accordance with the SABS or applicable legislation or regulations.

## **8. Maintenance**

(1) The owner and/or applicant shall jointly execute, finish and maintain such advertisement or sign and its supporting framework in a state of good repair, both structurally and aesthetically

(2) Should any advertisement or sign become dangerous, unsightly or a nuisance, the person/s referred to in section 8(1) shall remove the source of danger, unsightliness or nuisance within the time frame specified by Municipality and failure to do so will constitute an offence and render such person liable for prosecution.

(3) The delegated officials of Municipality shall be entitled to enter upon any premises for the purpose of carrying out inspections in terms of these Bylaws and the owner and/or applicant shall act in a co-operative manner with the said officials of Municipality in this regard.

(4) Every sign and its supporting structure shall be painted, treated against corrosion and cleaned regularly to prevent it from becoming unsightly.

(5) Where any sign or advertising structure is in a state of disrepair or becomes torn, damaged or otherwise unsightly, the Municipality may order its removal.

## **9. Offences and Removal of Signs**

(1) Any person who displays or erects any advertisement or sign for which no approval has been granted by the Municipality in terms of section 2, or for which approval has expired, lapsed or has been withdrawn, or which advertisement or sign does not conform with the approved application or any of its conditions, or does not comply with, or is contrary to, any provision of these Bylaws or to any other applicable Act or Regulation, shall be guilty of an offence.

(2) Any person who erects or continues to display any advertisement or sign which ceases to be relevant to the premises on which it is displayed by virtue of a change in use, ownership or occupancy of the premises to which it relates or for any other reason, shall be guilty of an offence.

(3) Any person who displays or erects any advertisement or sign which contravenes or fails to comply with any provision, requirements or conditions as set out in any notice issued and served in terms of these Bylaws or other applicable legislation, or who knowingly makes any false statement in respect of any application in terms of these Bylaws, shall be guilty of an offence.

(4) The Municipality may serve notice on the person who is displaying the advertisement or who has erected the sign or caused the advertisement or sign to be displayed or erected, or on the owner or occupier of the premises upon which it is being displayed or erected, or on both such persons, directing those persons to remove such advertisement or sign or to do such other work as may be set forth in the notice, within a time frame specified therein which shall not be less than 14 days from the date of receipt of the notice, so as to bring the advertisement or sign into conformity, or compliance, with the conditions of approval.



(5) If any person on whom any notice has been served in terms of section 9(3) and 9(4) fails to comply with a direction contained in such notice within the specified period, the Municipality may remove or arrange for the removal of the advertisement or sign, or effect any of the alterations prescribed in the notice.

(6) The Municipality may recover the expenses incurred, as a result of any removal, action taken, repairs necessary for damages caused to Municipality property, or for any other costs incurred, from any person on whom the notice was served in terms of sections 9(3) and 9(4). No compensation shall be payable by the Municipality to any persons in consequence of such removal, repairs or action taken.

(7) Any person who fails to remove any poster, banner, flag or election advertisement within the prescribed period shall be guilty of an offence. The Municipality shall be entitled to remove any such advertisement and deduct the prescribed amount from any deposit made in respect of the advertisement so removed by the Municipality; provided that if the amount of money to be deducted exceeds the amount of the deposit made, the Municipality shall be entitled to recover such excess amount from such person; provided further that when any such poster, banner or election advertisement is removed in terms of these Bylaws, the Municipality shall be entitled to destroy any such advertisement without giving notice to any person.

(8) Any person who, having displayed or caused to be displayed any portable board in respect of which approval has been granted in terms of these Bylaws, fails to remove such board within a time specified by an authorised official, shall be guilty of an offence and the Municipality shall be entitled to remove any such portable board and to recover from such person the prescribed fee; provided that any portable board so removed by the Municipality may be destroyed without giving notice to any person

(9) Any advertisement or sign removed or confiscated by the Municipality in terms of these Bylaws, other than those referred to in sections 9(7) and 9(8), may be reclaimed within 60 days from the date of removal or confiscation and on payment of the charges due, failing which the Municipality shall have the right to use, dispose of, or sell, such sign, at its discretion.

(10) If, in the opinion of the Municipality, the advertising sign constitutes a danger to life or property and in the event of the applicant/owner and/or occupier failing to take the necessary action with immediate effect, the Municipality may carry out or arrange for the removal of such sign and recover any expenses so incurred.

(11) Any person who, in the course of erecting or removing any advertising sign, causes damage to any natural feature, electric structure or service, or any other Municipality installation or property, shall be guilty of an offence and punishable in terms of section 10 of these Bylaws and shall be liable for any damages so incurred.

(12) The Municipality shall be entitled to summarily remove any unauthorised advertising signs on its own property without giving notice to any person.

## **10. Penalties**

Any person who contravenes or fails to comply with any provision of these bylaws shall be guilty of an offence and shall be liable on conviction to a fine or to imprisonment or to both such fine and imprisonment, or to such other penalty as determined by a court of competent jurisdiction.

## **11. Presumptions**

For the purposes of these bylaws it shall be presumed that -

(a) any person who erects or displays or who causes to be erected or displayed any advertisement or sign, whether such person/s be the applicant, the owner or the occupier of the premises, the manufacturer of any part of the signage structure or the proprietor of the undertaking or activity to which such an advertisement relates and any of their agents, shall be deemed to have displayed, caused, allowed or consented to such advertisement or sign being displayed until the contrary is proved:

(b) any person, club, body or political party responsible for organising, sponsoring, promoting or in control of any meeting, function or event to which a sign, poster, election or aerial advertisement relates, shall be deemed to have displayed, caused, allowed or consented to such advertisement or sign being displayed until the contrary is proved;

(c) any person whose name appears on an advertisement or sign or whose product or services are advertised on such sign shall be deemed to have displayed, caused, allowed or consented to such advertisement or sign being displayed until the contrary is proved;

(d) an advertisement displayed upon the exterior wall or fence constituting the apparent boundary of any premises and fronting any street or public place shall be deemed to be displayed in a street or public place;

(e) where any notice or other document is required by these Bylaws to be served on any person, it shall be deemed to have been properly served, within five working days of dispatch, if served personally on such person or any member of his household apparently over the age of sixteen years at such person's place of residence, or on any person employed by such person at such person's place of business, or if sent by registered post to such person's residential or business address as it appears in the records of the Municipality, or if such person is a company, closed corporation or a trust, if served on any person employed by that company, closed corporation or trust at its registered office, or if sent by registered post to such office;

(f) it shall be presumed that any advertisement or sign approved prior to the date of promulgation of these Bylaws had been lawfully displayed or erected in term of these Bylaws provided that it is continuously displayed, maintained or kept in position without any alteration other than a minor alteration permissible in writing by the Municipality.

## **12. Prohibitions**

The following advertisements and signs are prohibited:

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

(b) Any advertisement which, in the opinion of the Municipality, is indecent, obscene or objectionable, or of a nature which may produce a pernicious or injurious effect on the public or on any particular class of person or on the amenity of any neighbourhood.

(c) Any advertisement or sign that is painted onto or attached in any manner to any tree, plant, rock or to any other natural feature.

(d) Any advertisement or sign which obstructs any street, fire escape, exit way, window, door or other opening used as a means of egress or for ventilation or for fire fighting purposes.

(e) Any illuminated sign, whether a searchlight or laser beam, animated, flashing or static, which disturbs or is a nuisance to the residents or occupants of any building or to any member of the public affected thereby.

(f) Any advertisement or sign not erected in accordance with these Bylaws or not in accordance with the specifications approved by the City Municipality, or the terms or conditions attached by the Municipality to any such approval.

(g) Any advertisement or sign which may obscure, obstruct or interfere with any traffic sign or signal for traffic control, or which is likely to interfere with or constitute a danger or potential danger to traffic, aircraft or to the public in general.

(h) Any advertisement or sign which may inhibit or obstruct a motorist's vision or line of sight thus endangering vehicular and pedestrian safety.

(i) Any form of bill-sticking by means of posters or placards to any existing structure without the approval of the Municipality.

## **13. Temporary and Permanent Advertisements on Municipal Property**

A temporary advertisement or sign erected or displayed on Municipal property is subject to the Municipality's specific consent as set out in these Bylaws. A permanent advertisement or sign on Municipal property; i.e. street furniture, street name signs, dustbins, bus shelters, suburban and community advertisements and any other remote advertising signs is dealt with in terms of the Local Authorities Ordinance and is subject to Municipality's specific authority.

## **DETAILED REQUIREMENTS FOR SIGNS**

### **14. Billboards**

(1) Any person who wishes to erect or cause to erect a billboard advertisement shall submit to the Municipality a written application on the prescribed form and pay the prescribed fee. Such applications shall, at Municipality's discretion, be accompanied by an Environmental Impact Assessment in the case of billboards in excess of 36m' or for smaller billboards, at the Municipality's discretion.

(2) A billboard shall be permitted only in an urban area of minimum control or in an urban area of partial control, at the Municipality's discretion, subject to specific consent and an assessment of its environmental impact, which shall include visual, social and traffic safety aspects.

(3) The name or logo of the owner of a billboard or sign must be clearly displayed on such board together with the identification number issued by the Municipality.

(4) Any billboard shall -

(a) comply with all legal requirements of the South African National Roads Agency Limited and the Road Traffic Act, where applicable;

(b) comply with any other applicable National, Provincial or Local Government legislation and policy, including these Bylaws and the Municipality's Policy on Outdoor Advertising;

(c) not be erected within an area of maximum control unless, after an Environmental Impact Assessment and public participation process, the Municipality identifies that such area, subject to such terms and conditions as it may impose, may be reclassified as an area of lesser control, which may not be relaxed further than the control type in the area adjacent to the site in question;

(d) not be detrimental to the nature of the environment in which it is located by reason of abnormal size, intensity of illumination or design.

(e) not, in its content, be objectionable, indecent or insensitive to any sector or member of the public;

(f) not, partially or wholly, obscure any approved sign previously erected and lawfully displayed;

(g) not constitute a danger to any person or property;

(h) not encroach over the boundary line of the property on which it is erected; and

(i) not be erected if considered by the Municipality to be a distraction to drivers, cyclists or pedestrians which could contribute to unsafe traffic conditions.

(5) A billboard shall -

(a) be spaced at least 120m, 200m or 250m from any other billboard on the side of the road where such billboard faces a road on which the speed limit is restricted to 60km/h, between 60km/h and 80km/h or between 100km/h and 120km/h, respectively,

(b) not be erected within 50m from the on and off-ramps of public roads and from overhead traffic directional signs;

(c) not be permitted within a radius of 100m from the centre of an intersection on any arterial road and within a radius of 50m from the centre of an intersection on any lower order road;

(d) not have an overall height in excess of 12m above the surface of the road level at which it is directed and have a clear height of not less than 2.6m above the surface of the road;

(e) not have an overall dimension which exceeds 64m<sup>2</sup> in the case of ground signs and 54m<sup>2</sup> in the case of wall signs;

(f) not have as its main colours, red or amber or green when located at signalised traffic intersections and shall not obscure or interfere with any road traffic light or sign;

(g) not constitute a road safety hazard or cause undue disturbance and shall not be permitted to be illuminated if such illumination, in the opinion of Municipality, constitutes a road safety hazard or causes undue disturbance;

(h) shall not be erected or serviced unless prior permission from the Municipality has been obtained and any necessary precautions have been arranged to enable the Municipality to diminish the impact on the flow of traffic during such erecting or servicing;

(i) in the case of a wall sign, be attached only to the side and back walls of a building which does not fulfil the function of a street or front facade of the building.

## 15. Ground Signs

(1) Only one on-site, locality bound, freestanding ground sign per premises shall be permitted either where such a sign is necessary to facilitate the location of the entrance or access to a business premises, or where it is not reasonably possible to affix appropriate signs to the building, or where the business premises is so set back as to make proper visibility of signs on the building not feasible, or where the existence of a freestanding composite sign may prevent the proliferation of signage; provided that one ground sign may be displayed per 15m section of street frontage.

(2) An on-site, locality and non-locality bound freestanding ground sign in the form of a business sign and tower structure may not exceed 7,5m in overall height and 6m<sup>2</sup> per face in total area, [in addition, it may not exceed 4,5m per face in total area in respect of any individual advertisement thereon and have a clear height of not less than 2.4m. Where a more solid structure is used, the maximum area per sign may be increased to 9m<sup>2</sup> and where the sign incorporates a combination sign, the maximum area per signage structure may be increased to 12m<sup>2</sup>. Only one sign or advertising panel on a combination sign shall be allowed, per enterprise, per street frontage.

(3) A ground sign other than a sign on a pole, standard or pylon, if displayed on a wall or fence shall not exceed 3.5m<sup>2</sup> in area and shall not project at any point more than 100mm from the surface of the wall or fence and shall not extend above the top of the wall or fence or beyond either end of the wall or fence.

(4) A sign erected on a monopole shall be appropriately designed so that, in the opinion of the Municipality, the height of the support is not disproportionately long in relation to the size of the sign.

(5) A maximum of 2 signs per tower, bridge or pylon shall be permitted. The maximum sign area per tower may not exceed 36m<sup>2</sup> per face. The sign shall be wholly contained within the structure and have no projections.

(6) Any ground sign or sign on a tower, bridge or pylon shall be independently supported and properly secured to an adequate foundation and be without the aid of guys, stays, struts, brackets or other restraining devices and/or be entirely self supporting and not dependent upon any existing structure for its support in any way.

## Wall Signs

### 16. Flat signs

(1) Unless otherwise stipulated, a flat sign shall at no point project more than 300 mm from the surface of the wall to which it is attached. The maximum projection of any part of a flat sign shall be 100 mm where the underside of such sign measures less than 2,4m from a footway or pathway immediately below it and the maximum projection shall be 300 mm where the underside of such sign measures more than 2,4 m above such footway or ground level.

(2) (a) An on-site, locality bound flat sign shall be permitted to be attached to the front, side and back walls of buildings.

(b) A remote, non-locality bound flat sign shall only be permitted to be attached to the side and back wall of a building which does not fulfil the function of a building facade.

(3) A flat sign shall not cover any windows or other external openings of a building or obstruct the view from such openings.

(4) A flat sign shall not exceed 54 m<sup>2</sup> in total area and shall not exceed 30% of the overall area of the wall surface to which it is attached, affixed or painted, provided that in urban landscapes of maximum control a sign may not exceed 20% of the wall surface area.

(5) An Environmental Impact Assessment shall be required for all flat signs in excess of 36 m<sup>2</sup>.

### 17. Projecting signs

(1) The minimum clear height of a projecting sign shall be not less than 2,6 m in height.

(2) A projecting sign shall be a maximum of 300 mm in thickness.

(3) A V-shaped projecting sign shall be a maximum of 600 mm in thickness at the back of the sign facing the wall.

- (4) A projecting sign shall not be allowed to extend beyond the top of the main wall to which it is affixed
- (5) A projecting sign shall not be allowed to extend within 600 mm of the edge of a roadway, nor extend within 1,5 m from any overhead electricity wires or cables.
- (6) The maximum projection shall be 1,5 m in the case of a projecting sign which has a clear height of more than 7.5 m and 1m where the sign has a clear height of less than 7,5 m.
- (7) A projecting sign shall be installed perpendicular to the street facade or to the direction of oncoming traffic.
- (8) A projecting sign shall only be locality-bound.
- (9) A projecting sign shall not be displayed within 2m of any other projecting sign displayed on the same building.

## **18. Sky Signs**

- (1) The maximum area of a sky sign shall not exceed 18 m<sup>2</sup>.
- (2) The maximum permitted thickness of any face of a sky sign shall be 300 mm.
- (3) A sky sign shall not project in front of a main wall of a building so as to extend beyond the roof of such building in any direction.
- (4) A sky sign shall not obstruct the view or affect the amenity of any other building.
- (5) A sky sign shall be placed in such a manner so as not to interfere with the run-off of rainwater from the roof of the building.
- (6) A sky sign shall be thoroughly secured and anchored to the building on or over which it is to be erected and all structural loads shall be safely distributed to the structural members of the building without the use of guys, stays or other restraining devices.
- (7) A sky sign, including all its supports and framework, shall be constructed entirely of non-combustible materials approved by the Municipality and, if illuminated, shall not be placed on or over the roof of any buildings unless such sign, as well as the entire roof construction, is of non-combustible material.

## **19. Verandah, Balcony, Canopy and Under-awning Signs**

- (1) A verandah, balcony, canopy or under-awning sign may be affixed flat onto, or painted on, a parapet wall, balustrade or railing of a verandah or balcony, and beam or fascia of a verandah or balcony. Such a sign may not exceed 1m in height, project beyond any of the extremities of the surface to which it is affixed, or project more than 300mm in front of the surface to which it is affixed or extend within 600mm of the edge of a roadway.
- (2) A verandah, balcony, canopy or under-awning sign may be affixed flat onto or painted on supporting columns, pillars and posts. Such a sign may not project more than 50mm in front of the surface to which it is affixed and shall not extend beyond any of the extremities of such column, pillar or post. A sign affixed flat onto cylindrical supporting structures shall be curved to fit the form of such structure and only one sign shall be allowed per column, pillar or post.
- (3) Subject to the provisions of subsections (1) and (2), no sign shall be allowed on or over any architectural features of a building nor shall it be allowed to cover any window or obstruct the view from any such opening nor shall it detract from the aesthetics of the building.
- (4) An under-awning sign suspended below the roof of a verandah, canopy or balcony shall have a maximum sign area of 1 m<sup>2</sup> per face with a maximum of 2m<sup>2</sup> in total sign area and shall not exceed 1,8m in length or 600mm in height. No sign shall be less than 100mm, not more than 300mm, in thickness. Every such sign shall be perpendicular to the building line and fixed at a clear height of not less than 2,4m. Only one sign per enterprise facade shall be allowed with a minimum spacing of 3m centre to centre between signs. Such a sign shall not extend beyond the external edges of the canopy or verandah to which it is attached.
- (5) A sun-blind or awning shall be so made and fixed as to be incapable of being lowered to less than 2m above the footway or pavement directly beneath it. Such a sign shall be parallel to the building line and placed in a manner so as not to interfere with vehicular or pedestrian traffic, traffic lights or traffic signs.

(6) All verandah, balcony, canopy or under-awning signs on buildings and adjacent buildings, shall be aligned as far as possible, in order to achieve a straight line and parallel configuration with the street.

## **20. Posters, Banners and Flags Temporary posters and election posters**

(1) Any person intending to display or cause or permit to be displayed any advertisement on a poster, banner or flag relating to an election, or advertising any meeting, function or event of a sporting, civic, cultural, social, educational, religious, charitable or political nature, in any street or public place, or on Municipal property, shall first obtain the written consent of the Municipality.

(2) Every application for permission shall be made on the prescribed form and be accompanied by the prescribed fee as contained in Municipality's tariff of charges. A portion of such fee shall be refunded when all the advertisements have been removed to the satisfaction of the Municipality. The applicant shall, on application, submit a copy of all the posters to which the application relates and written details of the streets in which the posters are to be displayed.

(3) Any person who displays or causes a poster, banner or flag advertisement to be displayed shall comply with the following requirements:

(a) Any advertisement relating to an election, meeting, function or event shall be of A 1 size maximum, shall have a clear height of 2m and shall be securely fixed to durable hardboard or other approved backing board

(b) In the case of a banner or flag, the maximum size shall be 6m<sup>3</sup>, suspended between non-corrosive poles or other approved supports, and shall be placed and fastened in such a manner so as not to constitute a danger to any vehicular traffic, pedestrian, person or property in any street, public place or on Municipal property.

(c) Any person or, in the case of election advertising, any political party, displaying or causing to display any poster advertisement relating to the same meeting, function or event shall only be permitted to display one poster per electricity lamppost. No posters are permitted to be displayed on bridges, traffic lights, traffic signs, natural features, freeways and/or national routes.

(d) Any advertisement relating to an election, meeting, function or event shall be placed in such a manner that the content of separate advertisements, when read in succession, does not form a continuous relative legend.

(e) (i) Any advertisement relating to a meeting, function or event other than an election, shall not be displayed for longer than 14 days before the day on which it begins or for longer than three days after the day on which it ends

(ii) An election advertisement may be displayed from the beginning of the day of declaration of an election to the end of the fourteenth day after the election.

(f) (i) The total number of posters displayed at any one time relating to any meeting, function or event may not exceed 100, except in special circumstances and with the consent of Municipality.

(ii) In the case of an election advertisement, no limitation shall be placed on the number of posters displayed.

(g) An auction poster approved in terms of this section may not be larger than 2 m2.

(4) Every poster for which permission is granted shall be provided with a Municipal sticker or marking which shall be visibly displayed to indicate the Municipality's approval and the Municipality shall be entitled to retain one such poster for identification purposes,

## **21. Headline Posters**

Subject to approval in terms of these bylaws, the erection and/or display of a headline poster is permitted in all areas except natural and rural areas of maximum control. In addition -

(a) A headline poster shall not exceed 0.9 m x 0.6 m in area;

(b) The commercial content of the poster shall not exceed 20% of the area of the poster nor may any commercial lettering be larger than the main lettering in the remainder of the poster;

(c) A poster may be attached to a municipal electric light pole only where available, and a pasted poster may only be affixed to designated structures which are approved by the Municipality for the express purposes of pasting such

poster. It shall not be affixed to a traffic signal pole, any other pole which displays a road traffic sign, a pole erected for any other purpose, or any other street furniture, wall, fence, tree, rock or other natural feature.

(d) A headline poster shall not be pasted on a municipal electric light pole but is to be mounted on board and affixed securely with stout string or plastic ties, unless a permanent frame has been approved for this purpose.

(e) Only one headline poster per pole shall be permitted.

(f) The number of posters as well as the designated areas for the display of such posters as submitted by each newspaper group shall be strictly adhered to.

(g) Any "special event" posters shall comply with the following;

(i) The name of the newspaper group, the name of the "special event" and the date of the "special event" shall appear on the poster in letters not less than 50mm in height;

(ii) The "special event" poster shall not be displayed for more than seven days before the date of the event and it shall be removed within 24 hours after the date of the event displayed on the poster.

(h) A headline posters and fastenings are to be removed on a daily basis, failing which such poster shall be removed, at the newspaper group's expense, in accordance with the standard charges for the removal of posters.

(h) The Municipality may recover the costs of the removal of unauthorised posters, and the reinstatement of the surface from which such posters were removed, from the person responsible for the display of such posters, or from the newspaper group concerned. The costs referred to shall be reviewed annually in terms of the annual Schedule of Tariffs.

(i) The Municipality or its agent shall remove any poster displayed in contravention of the abovementioned bylaws.

(j) Any poster not removed on a daily basis, or by due date in the case of poster relating to a "special event", shall be removed by the Municipality or its agent.

(k) The display of unauthorised posters is illegal and such posters shall be removed by the Municipality or its agent at a cost determined by the Municipality in its Tariff of Charges.

(l) Each newspaper group shall apply annually, in writing, for permission to display such signs subject to an annual fee per newspaper group, per annum or part thereof.

(m) Each newspaper group shall pay an annual deposit against which a charge for the removal of any sign or poster which contravenes any provision of these bylaws shall be levied, In the event of the deposit being exhausted, permission to display such signage shall be withdrawn and a further deposit shall be paid to the Municipality.

## **22. Estate Agents Boards and other Portable Boards**

(1) Every estate agent or person intending to display, cause or permit to be displayed any board, shall annually submit the prescribed written application to the Municipality accompanied by the fee prescribed in the Municipality's Tariff of Charges.

(2) Any person who displays or causes any board to be displayed on any municipal property, shall comply with the following requirements:

(a) Such board shall only be used for the purposes of indicating the route to the property or premises to be sold or advertised and shall only be erected on the days on which the property is to be shown.

(b) Such board shall not exceed 0,6m<sup>2</sup> in area.

(c) Subject to the provisions of the Road Traffic Act or other applicable legislation, such a board shall not to be placed nearer than 1.8m from the road verge, nor be placed at such a height that the lower edge of the board exceeds 600mm above the ground.

(d) Such board shall not to be positioned nearer than 5m from any road intersection, entrance or exit from a dual carriageway or a freeway as defined in the Road Traffic Act or other applicable legislation.

(e) Such board shall not be positioned so as to obstruct the view of any road traffic sign or street name sign from any portion of a roadway as defined in the Road Traffic Act or other applicable legislation.

(f) Such boards shall not to be positioned so as to hinder or obstruct a pedestrian's right of way on a sidewalk or to unfairly prejudice traders.

(g) Only one such board per street frontage, per enterprise, shall be allowed to advertise services and such board shall be placed directly in front of the advertised premises.

(h) Applicants shall be required to indemnify the Municipality against any claims that may arise from the placement of such signs within the road reserve or on municipal property and shall be required to procure third party insurance for this purpose.

### **23. Aerial Advertisements**

(i) Any person who wishes to display or cause to be displayed, an aerial advertisement, except by means of an aircraft, shall submit to the Municipality a written application on the prescribed form and pay the prescribed fee and such application shall be accompanied by -

(a) Particulars of the content and dimensions of the aerial advertisement and of the aerial device by means of which the advertisement is to be displayed as well the materials used and method of construction and anchorage;

(b) Particulars of the intended location, with a description of the premises to which the aerial device will be anchored or tethered and details of electricity and telephone poles and cables and other structures within 30m of the point of anchorage;

(c) The name and address of the person or contractor displaying the aerial advertisement and the name and address of the owner or person in control of the aerial device.

(d) The duration and times of intended display;

(e) Where the applicant is not the owner of the premises to which the aerial device is to be anchored or tethered, the written consent of the owner for such anchoring;

(f) Proof of the provision of an automatic deflation device;

(g) Adequate public liability insurance to the Municipality's satisfaction; and

(h) Approval and any conditions and requirements prescribed by the national Civil Aviation Authority.

(2) Aerial advertisements shall not be displayed or caused to be displayed on, from or over Municipality property, including any street or public place, unless approval has been granted by the Municipality which may impose such conditions as it deems fit.

### **24. Transit Advertising**

(1) Any person who wishes to display or cause to be displayed any transit advertising sign shall annually submit to the Municipality a written application on the prescribed form, accompanied by the prescribed fee. An 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 to be 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 Municipality, of the person having control of 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) The parking of a transit advertising sign which is visible from a public road or a public place for the purposes of third-party advertising, is prohibited unless it is parked at a designated site approved by the Municipality in terms of its Policy on Outdoor Advertising;



- (3) Any trailer or vehicle utilised for the display of a transit advertising sign shall be registered as a mobile transit advertising trailer with the Municipality;
- (4) No transit advertising sign which is parked at a designated site in terms of subsection (2) may be parked at such site for longer than two consecutive weeks, after which a new application shall be lodged for each successive period of two weeks;
- (5) Notwithstanding the payment of the application fee mentioned in subsection (1), a rental, as reflected in the Municipality's tariff of charges shall be payable for each transit advertising sign for each week during which such sign is parked at a designated site;
- (6) A transit advertising sign 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;
- (7) The advertising panel or portion of the vehicle used for transit advertising shall not exceed a cumulative total of 18m<sup>2</sup>
- (8) A transit advertising sign shall be fixed to the ground at the parking location and shall not be attached to any street furniture;
- (9) Notwithstanding the provisions of these bylaws, the Municipality or its authorised officials may without prior notice, remove an advertising vehicle from municipal property, and in the case of an unauthorised advertising vehicle on private property, the Municipality may serve notice instructing the immediate removal thereof;
- (10) Unless an advertising vehicle impounded by the Municipality in terms of subsection (9) has been reclaimed within a period of three months from the date of notification of impoundment, such vehicle may be disposed of by the Municipality;
- (11) An impounded advertising vehicle shall only be released by the Municipality after all removal costs and fines have been paid in full and a copy of the current licence registration papers have been submitted to the Municipality for verification.

## **25. Repeal of Bylaws**

- (1) The Advertising Signs Bylaws published in the Provincial Gazette under Municipal Notice No. 15 of 2005 on 1 April 2005, are hereby repealed.
- (2) The Advertisement (Bill Posting) Bylaws published in the Provincial Gazette under Provincial Notice No. 303 of 1959 on 9 July 1959, are hereby repealed.
- (3) Anything done under or in terms of any provision repealed by this bylaw shall be deemed to have been done under the corresponding provisions of this bylaw and such repeal shall not affect the validity of anything done under the bylaw so repealed.

## SCHEDULE

### AREAS OF CONTROL

	<b>MAXIMUM</b>		<b>PARTIAL</b>	<b>MINIMUM</b>
Natural landscape	Rural landscape	Urban landscape	Urban landscape	Urban landscape
National parks	Municipal parks	Metropolitan open space systems	Central business districts	Central Commercial districts linked to railway /industrial zones
Nature reserves	Horticultural areas	Private open spaces	Commercial and office components of residential amenities	Industrial areas
Forestry areas	Public open spaces	Public open spaces	Commercial enclaves in residential areas	Industrial zones
Natural environments	Rural smallholdings	Pedestrian malls	Commercial nodes and ribbon development	Transport nodes
Extensive agriculture	Intensive agriculture	Pedestrian squares	Municipal / Government	Traffic corridors
Scenic corridors	Scenic drives	Community facilities	Entertainment districts or complexes	Transportation terminals
Scenic landscape	Scenic routes	Urban smallholdings	Educational institutions	
River corridors	Peri-urban and traditional areas	All residential zones	Sports fields and stadia	
Wetlands		Scenic features	Mixed use and interface areas	
Open spaces		Scenic drives	Visual zones along urban roads /freeways	
		Gateways		
		River corridors		
		Wetlands		
		Conservation areas		
		Battlefield sites		
		Historic or graded buildings and areas		