



PROVINCE OF THE EASTERN CAPE  
IPHONDO LEMPUMA KOLONI  
PROVINSIE OOS-KAAP

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**No. 4377**



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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS**

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**NOTICE 3 OF 2020**

Nelson Mandela Bay Municipality (EASTERN CAPE)

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

ERF 531, SUNRIDGE PARK, PORT ELIZABETH, EASTERN CAPE

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that condition C.5(a), (b), (c), (d) in Deed of Transfer No.: T64561/2017 applicable to Erf 531 Sunridge Park, is hereby removed.

**NOTICE 4 OF 2020**

Nelson Mandela Bay Municipality (EASTERN CAPE)

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

ERF 38, SUMMERSTRAND, PORT ELIZABETH, EASTERN CAPE

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that condition B(d) in Deed of Transfer No.: T65469/93 applicable to Erf 38 Summerstrand is hereby removed.

**NOTICE 5 OF 2020**

Nelson Mandela Bay Municipality (EASTERN CAPE)

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

ERF 1363, WESTERING, PORT ELIZABETH, EASTERN CAPE

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that condition 5(a)-(d) in Deed of Transfer No.: T4368/2018 applicable to Erf 1363 Westering is hereby removed.

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**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**

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**PROVINCIAL NOTICE 15 OF 2020****NELSON MANDELA BAY MUNICIPALITY (EASTERN CAPE)**

**Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

**ERF 730, ALGOA PARK, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that condition/s "C".5 (a), (b), (c), (d) in Deed of Transfer No. T99163/2005 applicable to Erf730, Algoa Park is/are hereby removed.

**PROVINCIAL NOTICE 16 OF 2020****NOTICE OF INTENTION TO APPLY FOR THE CANCELLATION OF A LOST/DESTROYED BOND**

Notice is hereby given in terms of Regulation 68 of the Deeds Registries Act, 42 of 1937, of the intention to apply for the cancellation of the registration of Mortgage Bond Number B912/1995 dated 27<sup>th</sup> October 1995 passed by Silulami Clayton Nontenja, born on 27 September 1950, for the sum of R240 000, 00 (Two Hundred And Forty Thousand Rand) plus an additional sum of R60 000, 00 (Sixty Thousand Rand) in favour of THE STANDARD BANK OF SOUTH AFRICA LIMITED, Registration Number 1962/000738/06, in respect of certain ERF 2744 UMTATA, IN THE KING SABATA DALINDYEBO LOCAL MUNICIPALITY, DISTRICT OF UMTATA, PROVINCE OF THE EASTERN CAPE, which has been lost or destroyed.

All persons having objection to the cancellation of the registration of such bond are hereby required to lodge the same in writing with the Registrar of Deeds at Umtata, within 6 weeks after the date of the first publication of this notice.

Dated at Port Elizabeth on this 22<sup>nd</sup> day of January 2020.

.....  
Applicant  
JOUBERT GALPIN SEARLE  
173 CAPE ROAD, MILL PARK, PORT ELIZABETH  
Email address: heloisej@jgs.co.za  
041 - 396 9230

**PROVINCIAL NOTICE 17 OF 2020**

**NELSON MANDELA BAY MUNICIPALITY (EC).**

Removal of Restictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).

Remainder Erf 14, Beachview, Port Elizabeth, Eastern Cape.

Under section 47 of the Spatial Planning and Land use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions 6 a, b (i) and (ii) in Deed of Transfer No. T53933/94 applicable for remainder erf 14, Beachview, are hereby removed.

**LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**

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**LOCAL AUTHORITY NOTICE 27 OF 2020****BUFFALO CITY METROPOLITAN MUNICIPALITY****SPLUMA ACT NO. 16 OF 2013: ERF 1674 GONUBIE:  
REMOVAL OF RESTRICTIONS**

**Under Section 47(1) of the Spatial Planning and Land Use Management Act No. 16 of 2013, read with Section 59 of the Buffalo City Metropolitan Municipal Spacial Planning and Land use Management By-law of 2016, and upon instruction from the abovementioned Municipality, notice is hereby given that, following application by the owner of Erf 1674 Gonubie, condition D. found in Deed of Transfer Number T18994/2019, pertaining to Erf 1674 Gonubie, is hereby removed.**



**LOCAL AUTHORITY NOTICE 28 OF 2020**

**Buffalo City Metropolitan Municipality**  
East London | Bhisho | King William's Town  
Province of the Eastern Cape  
South Africa

Website: [www.buffalocity.gov.za](http://www.buffalocity.gov.za)



**BUFFALO CITY  
METROPOLITAN MUNICIPALITY**

**Office of the City Manager**  
**Legal Services Department**  
PO Box 134, East London, 5200  
9th Floor, Trust Centre, East London, 5201

Tel: 043 705 1006 | Fax: 043 722 3448

Email: [SiphathoH@buffalocity.gov.za](mailto:SiphathoH@buffalocity.gov.za)

# OUTDOOR ADVERTISING BY-LAW



**BUFFALO CITY  
METROPOLITAN MUNICIPALITY**

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## 1. PREAMBLE

The Buffalo City Metropolitan Municipality enacts a By-Law relating to Outdoor Advertising in terms of Section 156 (2) of the Constitution of the Republic of South Africa Act, 108 of 1996 which provides that a Municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer. This section of the Constitution must be read together with Section 11 (3) (m) of the Local Government: Municipal Systems Act 32 of 2000 which states that a Municipality exercises its Legislative and its Executive Authority by passing by-laws and taking decisions on any matter falling within its competence and within its area of jurisdiction.

**WHEREAS** the Council of the Buffalo City Metropolitan Municipality is vested with legislative authority in terms of the Constitution of the Republic of South Africa, 1996;

**AND WHEREAS** the Council of the Buffalo City Metropolitan Municipality in the exercise of its functions has the right to provide for the control of advertising signs in the municipal area for the benefit of the public residing in or visiting the Municipality;

**NOW THEREFORE** it is enacted by the Council as follows:



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## 2. PURPOSE

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

## 3. DEFINITIONS

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

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

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

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

**"Approval"** means approval by the Municipality.

**"Areas of control"** means those areas as set out in the Municipality's Advertising Signs Policy; and which may be modified and/or amended from time to time, which



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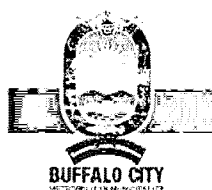
amendments and modifications will be graphically depicted by way of maps as prepared by the Municipality from time to time.

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

**"Billboard"** means any screen or board which stands free and is larger than 6m<sup>2</sup> in total area; which is supported by, or consists of, a structure used, or intended to be used, for the purpose of posting, displaying or exhibiting a sign.

**"Building"** includes –

- (a) any structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with the -
  - (i) accommodation or convenience of human beings or animals;
  - (ii) manufacture, processing, storage, display or sale of any goods;
  - (iii) rendering of any service;
  - (iv) destruction or treatment of refuse or other waste materials;
  - (v) cultivation or growing of any plant or crop;
- (b) any wall or part of a building, including a building as defined in paragraph (a);
- (c) a unit as defined in the Sectional Title Act, 1986 (Act No. 95 of 1986); and;



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(d) any vacant, unoccupied erf;

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

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

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

**"Common boundary façade"** means any façade of a building which is built abutting a rear or side boundary of an erf and which façade is blank, and as such having no architectural features, which includes windows.

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

**"Consultant"** means a suitably qualified independent person or company that acts on behalf of, or as an agent of, an applicant for approval of a sign.



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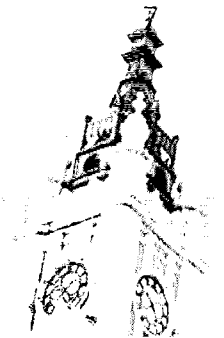
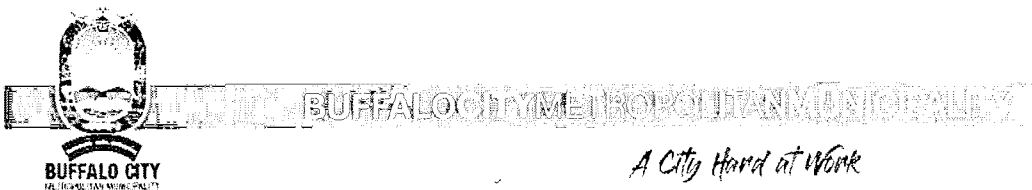
**"Continuing offence"** means an offence in terms of this By-Law, which continues to exist, after the expiry of the notice period referred to in a notice served in terms of this By-Law.

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

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

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

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



**"Environmental Impact Assessment"** (EIA) means an assessment carried out in accordance with the Municipality's guidelines for outdoor advertising.

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

**"Existing sign"** means any sign previously approved by the Municipality.

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

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

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

**"Headline poster"** means a temporary poster advertising the contents of a daily or weekly newspaper.

The **"Height of a sign"** is calculated by measuring the vertical distance between the uppermost and lowest parts of the structure.



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**"Heritage Impact Assessment"** (HIA) means a visual assessment of the impact that any proposed sign may have on the cultural heritage, whether built or recognised, at the locality where the proposed sign will be displayed.

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

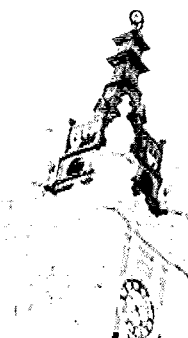
**"Law"** means any law, proclamation, ordinance, Act of Parliament or Provincial Legislature, or any other enactment having the force of law.

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

**"Loose portable sign"** means a freestanding locality bound notice or advertising board placed or erected in the Road Reserve or in a public open space.

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

**"Municipality"** means the Buffalo City Municipality and includes any executive councillor, [or] Committee, [or] Sub-Committee established by the Municipality, or any employee, [thereof, [or] duly authorised agent thereof acting in connection with this By-



Law by virtue of a power vested in the Municipality and delegated to such employee or agent.

**“New sign”** means any sign first displayed after the promulgation of this By-Law;

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

**“Overall height”**, in relation to a sign, means the vertical distance between the uppermost edge of the sign and the finished level of the ground, footway or roadway immediately below the centre point of the sign.

**“Perimeter of an Intersection or Junction”** means the perimeter of the area embraced within the prolongation of the road reserve lines of two or more public roads that join one another at any angle, whether or not one such public road crosses the other.

**“Person”** includes; an organ of state a company incorporated or registered as such under any law a body of persons, whether incorporated or not, functioning as a single entity for whatever purpose or an individual person

**“Poster”** means temporary signs capable of being attached to the Municipal electrical light standards and/or pasted to fixed structures to advertise events or campaigns.



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**“Projected sign”** means any sign projected by a laser projector, video projector, or other apparatus.

**“Projecting sign”** means a sign which is affixed to a wall of a building and which at some point projects more than 250 mm in front of the surface of such wall.

**“Public façade”** means any public façade that has windows or other architectural articulation.

**“Public participation”** is the process by which an organization consults with interested or affected individuals, organizations, and government entities before making a decision, is a two-way communication and collaborative problem solving with the goal of achieving better and more acceptable decision.

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

**“Public road”** means public road as defined in the National Road Traffic Act 93 of 1996.

**“Road Authority”** means the road authority as defined in Section 2 of the Roads Ordinance (Ordinance 19 of 1976).



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**“Road Reserve”** means the area contained within the statutory width of a road, and includes roadways, shoulders and sidewalks and the airspace above such roadways, shoulders and sidewalks and all other areas within the road reserve boundary.

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

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

**“Scenic Drive”** means a road designated as such on an approved zoning scheme and from which landscapes or features of aesthetic or cultural significance can be seen or viewed.

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

**“Service station facility sign”** means freestanding signs at petrol filling stations, roadside rest and service areas and includes service station pylon signs.

**“Shop”** means a building used for retail trade or services.

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

**“Signalized traffic intersection”** means an intersection controlled by traffic signals.

**“Sky sign”** means a sign where the top edge of any point of that sign exceeds the height of the roof plane to which it is affixed.

**“Sponsored sign”** means a sign, the primary purpose of which is not to advertise goods or services but which displays a graphic or content which promotes community or public awareness of a recognised public or community goal.

**“Street name signs affixed to kerbs”** means pole-mounted, double-sided, internally illuminated or unilluminated signs displayed in combination with names of streets, not exceeding 1 m<sup>2</sup>.

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

**“Temporary signs”** means signs which are displayed for a maximum period of 14 days, or such other period as may be approved.

**“Thickness”** in relation to a projecting sign, means the width of such sign measured parallel to the plane of the main wall to which such sign is affixed.

**“Third-party advertising”** means the advertising of goods or services that are not made, procured, sold or delivered from the property on which the sign and/or sign advertising of those goods or services is fixed or placed, and includes advertising which



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is not locality bound as well as the display of a sign which is made, procured or sold from the property but advertises goods or services which are not made, procured, sold or delivered from that property.

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

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

**“Traffic Sign”** means a road traffic sign as prescribed in the National Road Traffic Act No. 93 of 1996.

**“Traffic Signal”** means a road traffic signal as prescribed in the National Road Traffic Act No. 93 of 1996

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

**“Transportation Terminals”** means any area designated by the Municipality as such, where the formal interchange of modes of public transport takes place by the public,

including, but not limited to designated railway stations, official taxi terminals and bus terminals.

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

**"Verandah"** includes a cantilevered canopy and sunblind.

**"Window signs"** means signs which are temporarily or permanently painted on, or attached to the window-glass of a building.

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

#### 4. **SCOPE**

This By-law sets out the procedures to be followed and the criteria used when obtaining approval for a sign applicable to outdoor advertising in the Buffalo City Metropolitan Municipal Area of jurisdiction. In doing so, it recognises that there is an extensive amount of technical detail applicable to specific sign types and their effect in specific localities.

#### 5. **OBJECTIVE**

5.1 To regulate outdoor advertising in the jurisdiction of the Buffalo City Metropolitan Municipality in a manner that is sensitive to the environmental quality of different parts of the Buffalo City Metropolitan Municipality.



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- 5.2 To strike a balance between outdoor advertising opportunities and economic development on the one hand, and the conservation of visual, tourist, traffic safety, environmental and heritage characteristics on the other hand.
- 5.3 To ensure that outdoor advertising respects the integrity of any site on which it is displayed, and complements the character of the locality in which it is displayed.

## 6. GENERAL PROVISIONS

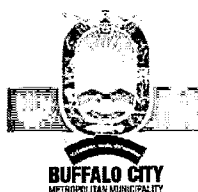
### 6.1 SUBMISSION OF APPLICATIONS

- 6.1.1 No person shall display any advertisement or erect or use any sign or advertising structure for advertising purposes without the Municipality's approval in terms of this By-Law and any other applicable legislation.
- 6.1.2 Every person intending to display a new sign or to alter or to add to an existing approved sign; or submitting a signage plan in terms of a Site Development Plan proposal, shall apply in writing to the Municipality which application, except in the case of poster applications, shall be accompanied by the following information in duplicate:
- 6.1.2.1 A site plan showing the site on which it is proposed that the sign is to be erected or displayed, drawn to a scale of not less than 1:200 showing clearly and accurately the position of the sign and the building, if any, to which it is to be attached and showing every building and the existing signs on the site, existing and proposed landscaping, traffic signals and road traffic signs, and the positions, with dimensions, of the sign or sign in relation to the boundaries of the site and the location of the streets abutting the site, together with its existing approved zoning conditions.





- 6.1.2.2 A drawing, which complies with the requirements of the National Building and Regulations Standards Act 103 of 1977 and is in sufficient detail to enable the Municipality to consider the appearance of the sign and all relevant construction detail, including a description of the materials of which the sign is to be constructed, the colours to be used, and whether or not the sign is to be illuminated; and in the latter event, the plan shall indicate whether or not the sign is an electronic sign and, if so, full details shall be furnished.
- 6.1.2.3 The drawing referred to in Section 6.1.2.2 above shall have detailed drawings of such sign to a scale of not less than 1:20 and a site plan indicating the position of the sign on the site to a scale of not less than 1:50.
- 6.1.2.4 If the proposed graphics of the sign are to be altered or changed at any stage during its proposed period of display, such intention must be specified in the application, together with an undertaking that every proposed change of graphic will be delivered to the Municipality for its prior approval, two weeks prior to the proposed display thereof, failing which only the proposed graphics will be considered for approval.
- 6.1.2.5 If a sign is to be attached to or displayed on the wall or façade of a building, the Municipality may require the submission of an additional drawing showing an elevation of the building in colour, the details and position of the proposed sign and the details and the position of every existing sign on the building drawn to a scale of not less than 1:100, or the Municipality may require a coloured print of or an artist's photographic or computer generated impression of the building with the details of the proposed sign superimposed on such graphic and drawn as nearly as is practicable to the same scale as that of the graphic.

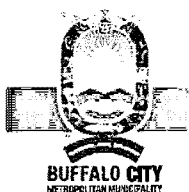


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- 6.1.2.6 If the applicant is not the registered owner of the property on which the sign will be erected, the applicant shall obtain the signature of the registered owner of the land or building on which the sign is erected, indicating that person's knowledge of and consent to the application.
- 6.1.3 Upon the request of the Municipality; such additional drawings, calculations and other information as is necessary to enable the Municipality to establish the adequacy of the proposed means of securing, fixing or supporting any proposed sign, sign or billboard and its ability to resist all loads and forces to which the sign, advertising or billboard may be exposed and the sufficiency of the margin of safety against failure.
- 6.1.4 The Municipality may require the submission of an Environmental Impact Assessment (either the 1<sup>st</sup> stage thereof; being the completion of an Environmental Checklist or in its entirety), Heritage Impact Assessment and/or a Traffic Impact Study.
- 6.1.5 If in the Municipality's opinion, a community or portion thereof or a person will be affected by the proposed sign, it may require a public participation process prior to considering the approval.
- 6.1.6 The Municipality will require a signage master plan in respect of any development where the erection of numerous signs is proposed or the rationalisation of previously approved signs is required so as to allow it to consider a consistent design master plan prior to assessment of any individual sign.
- 6.1.7 The Municipality shall notify the applicant of any additional requirements it has, within 21 working days of the date of submission of the original application.



- 6.1.8 The Municipality shall be entitled to retain a copy of every document supplied to it as part of an application, but is not obliged to do so.
- 6.1.9 The Municipality will require written notification, by the applicant or person who erects an approved sign after such sign has been erected.

## 7. CHARGES AND GENERAL FACTORS IN CONSIDERING APPROVAL AND/OR AMENDMENTS / CONDITIONS TO APPROVAL

- 7.1 Every person who applies to the Municipality for approval shall, on making application, pay to the Municipality an application fee as determined by the prevailing Council Tariffs on the time of the application. No sign shall be erected until such time as the application fee has been paid in full.
- 7.2 In considering an application for the display of an advertisement or the erection of a sign in terms, of this By-Law, or an amendment or condition of approval, the Municipality shall have regard to the following factors:
- 7.2.1 The area of control in which the proposed sign is to be erected. Provided further that if a sign falls into more than one area of control, or if a proposed sign site located in one area of control may impact on an adjacent area of control, the Municipality shall be entitled to determine the area of control pertaining to that application.
- 7.2.2 The type of locality or landscape and the advertising opportunities pertaining to that area of control.



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- 7.2.3 The number of signs already displayed or to be displayed on the erf and in the area surrounding such erf.
- 7.2.4 The findings of any Traffic Impact Study, Environmental or Heritage Impact Assessment more specifically any such finding as to whether the proposed sign will be detrimental to the environment or adversely affect the amenity of the locality or neighbourhood or affected properties;
- 7.2.5 Locality bound signs must relate to the lawful use of a property provided that no such sign shall be affixed to or placed on residential premises or portions thereof other than is permitted by or for home industries and legal temporary uses.
- 7.2.6 The outcome of any process of public participation regarding the proposed sign.
- 7.2.7 That no sign or advertisement may be designed or displayed that:
- 7.2.7.1 will constitute a danger to any person or property;
- 7.2.7.2 will display any material or graphic which, whether in form, content or both, may reasonably be expected to cause offence to the public or an identifiable section of the public.
- 7.2.7.3 will be detrimental to the environment or amenity of the neighbourhood by reason of either its size, intensity, frequency, illumination, quality of design, material, proposed graphic, locality or for any other reason;



- 7.2.7.4 will obscure any other signs approved in terms of this By-Law or Road Traffic Act or its predecessor.
- 7.2.7.5 will be detrimental or otherwise negatively impact on the environment, whether artificial or natural.
- 7.2.8 In considering a proposal for new graphics in respect of a sign approved in terms of this By-Law, the Municipality will have regard to the factors referred to in Sections 7.2.4 to 7.2.7.
- 7.2.9 The Municipality will only consider an application for the extension of an approval period (in terms of Section 9.3) on condition that the said sign complies with the provisions of this By-Law as at the date of application for such an extension.
- 7.2.10 The Municipality will have regard to the factors referred to in Section 7.2.4 to 7.2.7 in assessing an application for an extension of the approval period in terms of Section 9.4. In the event of the approval period being extended by the Municipality, the extension period shall not exceed a further 5-year period.
- 7.2.11 Any application for an extension of an approval period in terms of Section 9.3 must be accompanied by the fee referred to in Section 7.1.



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## 8. FACTORS RELATING TO SPECIFIC SIGNS, AREAS OF CONTROL AND COMMERCIAL SPONSORED SIGNS

The Municipality shall, in addition to the factors set out hereinabove, apply certain minimum standards to certain specific sign types and proposed localities when an application for approval is made in respect thereof and will apply certain specific criteria to applications for the erection of signs by non-profit bodies. These specific standards and criteria are set out in the Municipality's Advertising Signs Policy which may be amended from time to time.

### ILLUMINATION REQUIREMENTS

- 8.1 The Municipality may approve an illuminated sign, provided that the provisions of this By-Law are complied with and that such illumination does not constitute a traffic safety hazard or cause undue light spillage.
- 8.2 Signs may not be illuminated if no sign content is displayed.
- 8.3 Requirement for internal illumination and/or electronic signs:
- 8.3.1 Internally illuminated and electronic signs containing advertising may only be displayed in areas of partial and minimum control and must be up to a maximum size of 4,5m<sup>2</sup> in any such area, or to any larger size specified by the Municipality in an area designated by the Municipality as a district in which illuminated or electronic signs are to be encouraged, upon receipt of an Environmental and/or Heritage Impact Assessment showing no detrimental impact will be caused by the proposed display,
- 8.3.2 Electronic signs may not have subliminal flashes.



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- 8.3.3 Prior to erection, the Municipality may require a Traffic Impact Assessment to be conducted, the results of which must indicate that no detrimental impact on traffic is envisaged may occur. In addition, the Municipality may require subsequent traffic monitoring of any internally illuminated or electronic sign.
- 8.4 Requirements for external illumination:
- 8.4.1 The light emanating from floodlights shall not negatively impact on traffic travelling in either direction.
- 8.4.2 Floodlights shall not be positioned so as to create any undue light spillage beyond the surface area of the sign.
- 8.4.4 Approved wayleaves MUST be obtained from the electricity department prior to any excavations for the installation of signs. This also applies for signs to be erected in the vicinity of overhead power lines.

### **ROAD TRAFFIC SAFETY REQUIREMENTS**

- 8.5 Signs may not be erected in an area where the Roads Authority is of the opinion that they are an unacceptable distraction for motorists or where motorists turn, negotiate curves or traffic merges, diverges or weaves.
- 8.6 Electronic signs shall not be permitted if they are visible from a class 1 road, gateway route or a scenic drive unless expressly approved in writing by the Road Authority.



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- 8.7 Advertising on bridges, towers, telecommunication masts or pylons shall be permitted, and if such structure where the advertising displayed is Council owned the prevailing Council Tariffs will apply.
- 8.8 Signs shall not be located within 50m of the perimeter of an intersection of a designated road of metropolitan significance unless expressly approved in writing by the Road Authority.
- 8.9 The graphic content of signs shall not have the potential to be visually interpreted as a road traffic sign, due to any factor, including but not limited to the following:
- (a) any stylised or pictorial presentation of a road traffic sign or traffic signal;
  - (b) any word, symbol, logo or other device used on a road traffic sign;
  - (c) use of combinations of colours specified for road traffic signs, in a manner likely to lead to confusion;
  - (d) any reflectorised paint or material.
- 8.10 Signs must not be erected in an area where the traffic volume, the average following headway or accident history requires a higher than average degree of awareness from motorists.
- 8.11 Signs must not be attached to or obscure a road traffic sign or traffic signal.





- 8.12 Signs must not be erected within the road reserve of any public road unless expressly approved by the Road Authority.
- 8.13 When located at signalized traffic intersections, signs may not have the colours red or yellow or green as main colours and shall not obscure or interfere with any road traffic sign or traffic signal;
- 8.14 Electronic signs within 80 metres of the perimeter of a signalised traffic intersection are permitted provided the illumination does not distract the motorists.
- 8.15 Flashing or running messages or variable transition messages that have a message change interval of greater than 0,3 seconds or have transition effects between message changes shall not be permitted if viewable from a public road.
- 8.16 Static display, simple transition signs shall display a complete frame for an information cycle length of not less than 60 seconds when visible from a signalised traffic intersection and 30 seconds at other locations.
- 8.17 All third-party signs larger than 4,5m<sup>2</sup> erected adjacent to a public road or in a railway reserve intended to advertise to persons using designated roads of metropolitan significance must be spaced a minimum specified distance from any other sign or road traffic sign, such distance measured parallel to the centre line of the roadway, in accordance with Table 1 below.

**TABLE 1: LINEAR SPACING BETWEEN SIGNS**

Case	Spacing required when visible to traffic on a road with a speed of:		
	□ 60 km/h	61 – 80 km/h	81 – 120 km/h
Where an advertising sign follows a road sign	380 m	425 m	475 m
Where an advertising sign follows an advertising sign	310 m	360 m	410 m
Where an advertising sign precedes a road sign	40 m	70 m	100 m

8.18 The abovementioned minimum distances specified in Table 1 above may be decreased by the Municipality if the sign falls within an area of minimum control, or in other areas of control on submission of a TIS motivating a reduction of this spacing to the satisfaction of the Municipality. The Municipality may from time to time prepare a list or map of designated areas in which the abovementioned spacing requirements shall not be applicable.

**LEGAL REQUIREMENTS**

8.19 All signs to be erected and/or displayed within the area of jurisdiction of the Municipality must, in addition to complying with this By-Law, comply with all other applicable



legislation, including any applicable Zoning Scheme Regulations or condition of approval of any departure from the applicable Zoning Scheme Regulations.

## 9. APPROVAL

- 9.1 The Municipality may refuse any application or grant its approval subject to conditions relating to the erection and/or use of the sign and including a condition that the owner of any sign or billboard or the land or building on which it is erected or displayed, or both such owners and/or the person whose product and/or services are advertised, indemnify the Municipality against any consequences flowing from the erection, display or mere presence of such sign.
- 9.2 The Municipality may, at any time, withdraw an approval granted in terms of this By-Law or its predecessor or amend any condition or impose a further condition in respect of such approval, if a sign or advertising structure is in a state of disrepair, stands empty for more than 90 consecutive days, no longer complies with any provision of this By-Law as can be amended from time to time or is substantially altered from the original approved application by way of either structure or graphic content.
- 9.3 Should an approved sign not be erected within 12 months from the date of approval or within such other time as is specified in the approval, such approval shall lapse, unless that period is extended in writing by the Municipality therefore upon application within one month prior to such lapse.
- 9.4 Any approval of third party advertising granted by the Municipality in terms of this By-Law, shall endure for a maximum period of 5 years, calculated from the date of approval, unless extended in writing prior to the expiry of the approval period.



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The Municipality must receive a written application for extension of the approval period at least six calendar months prior to the lapse of the approval period.

- 9.5 In the event that the structure supporting such sign is intentionally demolished before the expiry of the approval period, the approval shall lapse and no further sign or supporting structure may be erected or re-erected without the Municipality's prior approval in terms of this By-Law.
- 9.6 All decisions by the Municipality regarding applications made in terms of this By-Law shall be in writing and will be provided to Applicants within 90 calendar days of date of submission of a complete application, alternatively, if so required by the Municipality, within 90 calendar days of its receipt of any additional information and/or assessments provided to the Municipality.

## 10. APPEAL

- 10.1 Any persons whose rights are affected by a decision made in connection with this By-Law by the Municipality may appeal against that decision by giving written notice of the appeal and reasons to the City Manager within 21 calendar days of the date of the notification of the decision.
- 10.2 The City Manager must promptly submit the appeal to the appropriate appeal authority mentioned in Section 10.4.
- 10.3 The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.



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10.4 The appropriate appeal authority will be as determined by Section 62 of the Municipal System's Act No. 32, as amended from time to time.

**11. SUBJECT TO COMPLIANCE WITH THE CONDITIONS PERTAINING THERETO AND/OR SET OUT HEREUNDER, THE MUNICIPALITY'S APPROVAL IS NOT REQUIRED FOR THE FOLLOWING SIGNS**

11.1 Development Boards on erven being developed

- 11.1.1 Development boards shall be removed forthwith when the building operations are complete or forthwith if the building operations are discontinued, or when the provisions of the services, the doing of the work, or the supply of the goods to which the sign relates has ceased;
- 11.1.2 The Municipality may order the removal of any such sign if the building operations have been substantially completed or discontinued or an Occupancy Certificate as defined in the National Building Regulations, has been issued by the Municipality, or the provision of the services, the doing of the work or the supply of the goods to which it relates, has for all practical purposes ceased, and such signs shall thereupon be forthwith removed but no later than 5 days after the date of the order for removal thereof.
- 11.1.3 If the premises on which building operations are in progress, are to be used wholly for residential purposes, only one development board shall be displayed and such development board shall not exceed 3m<sup>2</sup> in total area;
- 11.1.4 If the premises are not to be used wholly for residential purposes, no more than two development boards shall be displayed and each development board shall not exceed 3m<sup>2</sup> in total area;



11.1.5 If the signage, whether on freestanding boards, or flexible building covering material, include any other form of Third Party advertising, such signage will be approved in terms of the Municipality's Advertising Signs Policy as amended from time to time.

11.2 To Let / For Sale Signs

These include any sign not exceeding 600mm x 450mm in size displayed at existing premises or at properties upon which a new building is being erected and relating to accommodation being offered to rent or purchase in the building, on condition that any such sign shall be removed within 60 days after the date upon which the accommodation to which it relates is let or sold (under special circumstances application may be made for a larger board, which will be considered on the merit of the particular application);

11.3 Sold Signs

"Sold" sign will be condoned for a short period (maximum 3 weeks) after the conclusion of a sale and should replace the "for sale" sign. A "sold" sticker pasted over the "for Sale" section of the board will also be acceptable.

11.4. On Premises Business Signs

These include any unilluminated sign not projecting over a public road and not exceeding 450mm x 600mm in total area notifying only the types of trade, business, industry or profession lawfully conducted by any occupant or permanent resident of the premises to which it is attached, the name of such occupant, the type of activity, the



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address and telephone number of such premises and the hours of attendance (if any); provided that only one such sign per occupant may be displayed.

#### 11.5. Window Signs

These include any locality bound signs which are temporarily or permanently painted on or attached to the window glass of a building used for commercial, office, industrial or entertainment purposes, or any other temporary or permanent sign which is displayed within 2m of any window or external opening through which it can be seen from the outside such a building, on condition that no window sign shall exceed 4,5 m<sup>2</sup> in an area of maximum control.

#### 11.6. Signs incorporated in the face of a building

Any sign forming an integral part of the fabric of a building (but excluding a painted sign or a sign affixed in any manner onto the building), on condition that no such sign shall exceed 0.2m<sup>2</sup> in total area.

#### 11.7. Signs on Sports Fields within areas of minimum control

Except when visible from scenic drives, in which case such signs erected around the perimeter of a sports field may not exceed a maximum size of 2 x 1m each. Larger signs which face inwards onto the field and are not visible from any other public place, shall also be permitted. The number of signs must not exceed five (5) signs within 45m from a major intersection.



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## 11.8. Security Signs

Any security sign not projecting over a public road and not exceeding 0.2m<sup>2</sup> in total area indicating either that a security watch scheme is in operation or that a security company has been contracted to protect the premises on which the sign is displayed, on condition that:

- 11.8.1 only one such sign is displayed on any public road or each street frontage of such premises and;
- 11.8.2 the said sign displays only the name, logo, address and telephone number of a security company contracted to protect the premises on which the sign is displayed.

## 11.9. Temporary sponsored, commercially sponsored and Non-Profit Body Signs: less than 4,5m<sup>2</sup>

- 11.9.1 Any such temporary sign whether erected by or in connection with a non profit body or not; not exceeding 4,5m<sup>2</sup> in total area on condition that no more than 15% of the total surface area of the sign is used for third party advertising; and the sign is not illuminated, and furthermore provided that only one such sign shall be permitted per erf and only on erf being utilized for such.
- 11.9.2 Signs which comply with provisions of Section 6.9.1 shall, when erected on municipal land, may only be erected once agreement has been concluded with the Municipality, wherein the extent of the community or public benefit as jointly agreed between the municipal department responsible for the premises and/or land has been agreed and



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the terms of the erection of the sign agreed, and a copy of the agreement lodged with the environmental management branch or its successor in title, of the Municipality.

11.9.3 All other sponsored signs are dealt with in the Municipality's Outdoor Advertising Signs Policy as may be amended from time to time.

#### 11.10. Advertising on Flags

Advertising flags not within the road reserve shall only be displayed on flag poles, provided that they are no closer together than 5m on any one property on which they are displayed, and that no more than five (5) flag poles are erected per street frontage and the size of each flag pole must not be more than 5m from the ground level and may not be within the road reserve.

##### 11.10.1. Advertising on Vehicles

Signs painted or affixed directly onto the body of a motorized vehicle.

## 12. DISFIGUREMENT

12.1. No person shall destroy, harm, damage or disfigure or deface the front or frontage of any street, road traffic sign, wall, fence, land, rock, tree or other natural feature, or the front or frontage or roof of any building or structure in any manner whatsoever during construction or through the display or use of a sign or the writing or painting of any sign, symbol, letters or numerals. Furthermore, no person shall disfigure any sign legally displayed in terms of this By-Law.

**13. DAMAGE TO MUNICIPAL PROPERTY**

- 13.1 No person shall, in the course of erecting or removing any sign, or banner, cause damage to any tree, electric standard or service or other municipal installation or property and street furniture.

**14. ENTRY AND INSPECTIONS**

- 14.1 The Municipality shall be entitled, through its duly authorized officers, to enter into and upon any premises, at a reasonable time for the purpose of carrying out any inspection necessary for the proper administration and enforcement of the provisions of this By-Law.

**15. OFFENCES**

- 15.1 Any person who:

15.1.1 contravenes or fails to comply with any provision of this By-Law;

15.1.2 contravenes or fails to comply with any requirement set out in a notice served on him in terms of this By-Law;

15.1.2 contravenes or fails to comply with any condition imposed in terms of this By-Law;

15.1.3 knowingly makes a false statement in respect of any application in terms of this By-Law shall be guilty of an offence and be liable to an admission of guilt fine.

15.2 The fines and penalties applicable to offences in terms of this By-Law are set out in the Municipality Tariff Book which may be amended from time to time.



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- a. Unlawful signs removed by the Municipality may be reclaimed from the Municipality on payment in full to it of any costs incurred by the Municipality in the removal of the said sign, as well as payment of the costs of any charges incurred in the storage of such sign within two months.

Any unlawful signs removed by the Municipality and not reclaimed within two months of the date of removal shall be disposed of by the Municipality in its sole discretion to defray its removal and/or storage costs.

## 16. PENALTY

In addition to any offence created by a specific provision of these by-laws, any person who contravenes or fails to comply with any provision of these by-laws will be guilty of an offence and be liable upon conviction –

- (a) to a fine or imprisonment for a period not exceeding 6 months; and
- (b) in the case of a continuing offence, to an additional fine of or an additional period of imprisonment of 10 days or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued; and
- (c) to a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as a result of such contravention or failure.

## 17. PRESUMPTIONS

17.1 Any person charged with an offence in terms of this By-Law who is:



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- 17.1.1 alone or jointly with any other person responsible for organizing, or in control of any meeting, function or event, to which a sign or poster relates, shall be deemed, until the contrary is proved, to have knowingly displayed every unlawful sign or poster displayed in connection with such meeting, function or event or to have caused or allowed it to be so displayed;
- 17.1.2 the person whose name appears on an unlawful sign or whose product or services are advertised on such sign, shall be deemed, until the contrary is proved, to have displayed such sign, or to have caused or allowed it to be displayed unless the contrary is proved;
- 17.1.3 the owner of any land or building on which any unlawful sign was or is displayed, shall be deemed, until the contrary is proved, to have knowingly displayed such sign, or caused or allowed it to be displayed.

## 18. ENFORCEMENT AND REMOVAL OF SIGNS

- 18.1 If any sign displayed is in contravention of this By-Law, the Municipality may serve a notice on the owner or lessee of the sign, or the land owner on whose land the sign is erected or displayed, or person whose product or services are advertised, calling upon such person to remove such sign or carry out such alteration thereto or do such work as may be specified in such request or notice, within 14 calendar days from the date of such notice. Notwithstanding the service of such notice, it may be withdrawn or varied by the Municipality, by agreement with the person so served, or failing such agreement, by the service of a further notice.
- 18.2 Should the Municipality's demands, as set out in the notice, not be carried out within the 14 calendar days period, the Municipality may, without further notice to the person upon



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**19. SERVICE OF NOTICES**

19.1 Where any notice or other document is required by this By-Law to be served on any person, it shall be deemed to have been properly served if served personally on him/her, or any member of his/her household, apparently over the age of 16 years, at his place of residence, or on any person employed by or with him at his place of business, or if posted by registered post to such person's residential or her business address, as it appears in the records of the Municipality, or if such person is a company or closed corporation or a trust, if served on any person apparently employed by that company, closed corporation or a trust, at the registered office thereof, or sent by registered post to such office.

**20. MAGISTRATE'S COURT JURISDICTION**

20.1 Notwithstanding anything to the contrary contained in any law relating to Magistrates' Courts, a Magistrate shall have jurisdiction, on the application of the Municipality, to make an Order for the enforcement of any of the provisions of this By-Law or of any approval, refusal or condition granted or applicable in terms hereof.

**21. SAVINGS**

21.1 Any application for the display of any advertisement or erection of any advertising structure for advertising purposes, submitted to the Municipality and in respect of which a decision has not yet been made by the Municipality at the time of promulgation of this By-Law, shall be considered by the Municipality in terms of this By-Law.



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21.2 Any application for the display of any advertisement or erection of any advertising structure for advertising purposes, submitted and approved by the Municipality before the promulgation of this By-Law, such approvals will remain valid for the period of which they are approved.

## 22. INDEMNITY

22.1 The Municipality shall be indemnified against any claims of whatsoever nature that may arise as a result of the presence of any sign approved and/or erected in terms of this By-Law, and also any claims of whatsoever nature that may arise as a result of damage to any sign that has been removed by the Municipality or it's agent after failure by the offender to remove the sign as instructed in a written notice.

## 23. WAIVER OF REGULATIONS

23.1 The Municipality may, if it deems it desirable to do so, waive compliance with or relax the provisions of this By-Law; provided that any person whose rights are adversely affected by such waiver or relaxation shall not be bound thereby.

23.1.1 In each case in which such waiver or relaxation has been granted to any person, the Municipality shall serve a written notice upon such person citing the relevant provision waived or relaxed and the extent to which such provision has been waived.

In addition, the Municipality shall keep a record containing an identical copy of each such notice, which record shall be available for inspection by members of the public at the offices of the Municipality.



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23.1.2 The Municipality when waiving any of the clauses of this By-Law shall be guided by the Municipality's Outdoor Advertising Signs Policy as amended from time to time.

**24. REPEAL OF BY-LAWS**

Any by-law, policy or procedure of any of the erstwhile municipalities presently forming Buffalo City Metropolitan Municipality, relating to or dealing with Advertising signs and the disfigurement of the front or frontages of streets is hereby repealed.

**25. SHORT TITLE AND COMMENCEMENT**

This By-law is called the Buffalo City Metropolitan Municipality: Outdoor Advertising By-Law, 2018, and commences on the date of publication thereof in the Provincial gazette.



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**LOCAL AUTHORITY NOTICE 29 OF 2020**  
**BUFFALO CITY METROPOLITAN MUNICIPALITY**

**SPLUMA, ACT 16 of 2013 : ERF 10374 EAST LONDON : REMOVAL OF RESTRICTIONS**

Under Section 47 (1) of the Spatial Planning and Land Use Management Act, No. 16 of 2013, read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning & Land Use Management By-law of 2016, and upon instruction from the abovementioned municipality, notice is hereby given that, following application by the owner of Erf 10374 East London, conditions B.1.(a-d), B.2.(e) and B.4.(g), found in Deed of Transfer No. T 7841/2018, pertaining to Erf 10374 East London, are hereby removed.

**LOCAL AUTHORITY NOTICE 30 OF 2020**

**Nelson Mandela Bay Municipality (Eastern Cape)**

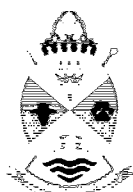
**Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

**ERF 32, MANGOLD PARK, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions C6 (a), (b), (c) and (d) in Deed of Transfer No. T55840/2016 applicable to Erf 32 Mangold Park, are hereby removed.

**LOCAL AUTHORITY NOTICE 31 OF 2020**

**GAZETTE NOTIFICATION OF CLOSURE OF PUBLIC PLACE AND AMENDMENT OF GENERAL PLAN**



**NDLAMBE MINICIPALITY**

**CLOSURE OF PUBLIC PLACE AND AMENDMENT OF GENERAL PLAN: ERF 4026, EKUPHUMLENI,  
KENTON ON SEA**

**NDLAMBE MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW; 2015**

Notice is hereby given that the Municipal Planning Tribunal on the 28<sup>th</sup> of October 2019, approved an application for Closure of Public Place and Amendment of General Plan No.1527/2016 on Erf 4026, Kenton on Sea in terms of Section 108 of the Ndlambe Municipality Spatial Planning and Land Use Management By-law; 2015.

**NOTICE: 16/2020**  
**DATE: 03 FEBRUARY 2020**

**ADV. R DUMEZWENI**  
**MUNICIPAL MANAGER**