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## LOCAL AUTHORITY NOTICE

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### LOCAL AUTHORITY NOTICE 194

### NKOMAZI MUNICIPALITY

### LOCAL AUTHORITY NOTICE

Notice is hereby given in terms of Section 13 of the Municipal Systems Act, Act 32 of 2000, as amended, that Nkomazi Municipality intends to implement by-laws with regard to outdoor advertising with effect from the date of promulgation of this notice.

T B Sibozza  
Acting Municipal Manager

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**PART A: INTRODUCTORY PROVISIONS**

1. DEFINITIONS

In these by-laws, unless the context indicates otherwise, any word or expression defined in the South African Manual for Outdoor Advertising Control, has the same meaning when used in these By-laws, and - :

**"advertisement"** means any visible representation of a word, name, letter, figure, object, mark, symbol, abbreviation, light, or any combination thereof with the object or transferring information, which is visible from any street or public place, but it does not include a road traffic sign;

**"advertisement for sale of goods or livestock"** means an advertisement announcing such a sale on land or premises not normally used for commercial purposes and may include an advertisement announcing auctions of household goods on residential properties, or livestock or game on farms;

**"advertisement for sponsored road traffic projects"** means an advertisement relating to the sponsoring of a specific project aimed at the provision of road services, the promotion or road safety or the management and conservation of roadside environments;

**"advertisement on street furniture"** means a poster which does not exceed 2,2 square metres in area, which is attached to street furniture and which has been approved by the municipality;

**"advertiser"** means the person or organization whose product or service is being advertised, or whose name or image is mentioned or promoted in an advertisement;

**"advertising"** means the act or process of notifying, warning, informing, making known or any other act of transferring information in a visible manner;

**"advertising sign"** means any screen, fence, wall, device or any other physical structure or object erected to display an advertisement or which is in itself an advertisement or used to display an advertisement;

**"advertising structure"** means any physical structure erected to display an advertisement;

**"aerial advertisement"** means an advertisement that is exhibited, displayed or performed in the air with the aid of balloons, searchlights, aircraft or similar means;

**"approved"** means approved by the municipality and, **"approval"** has a corresponding meaning;

**"arcade"** means a pedestrian thoroughfare whether or not located at ground level passing wholly or partly through a building or buildings and to which the public normally has regular and unrestricted access;

**"arterial road"** means a road which in the opinion of the municipality functions as a main carrier of traffic within an urban area;

**"animated"** means the visibility or message of an advertisement is enhanced by means of moving units, flashing lights or similar devices, or that an advertisement contains a variable message;

**"area of advertisement"** means the area in square metres of the smallest rectangle that will encompass the extreme limits of the advertisement or combined advertisement, together with any material or colour forming an integral part of the background of the advertisement or used to differentiate the advertisement from the structure or building against which it is placed;

**"areas of maximum control"** means natural area, rural areas and urban areas of maximum control.

**"balcony or under awning advertisement"** means an advertisement-

- (a) affixed flat onto or painted on a parapet wall, balustrade or railing;
- (b) affixed flat on or painted on a fascia;
- (c) affixed flat or painted on the fascia or a roof structure without walls;
- (d) affixed to or painted on a pillar, column or post supporting a roof structure without walls;
- (e) painted or printed on the fabric of a blind;

**"banner"** means a piece of cloth (or similar material), maximum 6m<sup>2</sup>, upon which an advertisement is displayed in such a manner as to be fully legible in windless conditions, attached to one or more ropes,

poles or flag staffs projecting vertically, horizontally or at an angle, or attached to buildings or to special structures, but excludes banners carried as part of a procession;

**"billboard"** means any screen or board larger than 4,5m<sup>2</sup>, supported by a free standing structure, which is to be used or intended to be used for the purpose of posting, displaying or exhibiting an advertisement and which is also commonly known as an advertising hoarding. The main function of a billboard is to advertise non-locality bound products, activities or services;

**"bit"** means the basic unit for measuring the length of advertising messages and may consist of letters, digits, symbols, logos, graphics or abbreviations. For the purposes of these regulations bit values shall be calculated as follows:

Words of up to eight letters, inclusive	1,0 bit
Words of more than eight letters	2,0 bits
Numbers of up to four digits, inclusive	0,5 bit
Numbers of five to eight digits	1,0 bit
Symbol or abbreviation	0,5 bit
Large logos and graphics	2,0 bit

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

**"centre of economic activity"** means an enterprise or a group of enterprises outside of urban areas and which may include farm stalls, service facilities, accommodation facilities, food services, industries and cottage industries, as well as shops and other commercial facilities.

**"clear height"** means the minimum vertical distance from the ground, road or surface level, as the case may be, to the advertisement.

**"charge determined by the municipality"** means the appropriate charge either fixed as set forth in these by-laws or reviewed and determined annually by the municipality;

**"combination advertising sign"** means an advertisement comprising a number of smaller, individual advertisements, usually displaying different products or services, placed next to each other on a single structure specifically designed to accommodate more than one advertisement.

**"construction site advertising sign"** means an advertisement affixed flat against or on top of a fence or wall forming the boundary of a construction site;

**"directional sign"** means a sign indicating the way to any place, undertaking or activity for the purpose of advertising or attracting public attention as contemplated in the definition of "advertisement"

**"development advertising sign"** means an advertising sign describing (including pictorial representation of) the type of development being carried out on a construction site;

**"educational institutions"** means any primary or secondary or tertiary educational institution;

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

**"engineer"** means an engineer registered in terms of the Engineering Profession of South Africa Act, 1990 (Act No. 114 of 1990);

**"entertainment area"** means an area the main purpose of which is to be used as a park, sports field, barbecue area or for other recreational purposes;

**"erf"** means an erf, stand, lot, plot, agricultural holding or similar land entity registered in a deed registry;

**"exhibition"** means any exhibition of public interest that a recognised show or other association, state department or institution presents where there is more than one exhibitor, excluding show houses and exhibitions promoted by companies or individual institutions that wish to introduce their products to the public;

**"estate agents' board"** means an advertisement that are temporarily displayed to advertise the fact that land, premises, development or other forms of fixed property are for sale or to let and includes a private seller;

**"flag"** means a piece of cloth (or similar material) upon which an advertisement is displayed and which is attached to a single rope, pole or flag staff projecting vertically in such a way that its contents are normally not readable in windless conditions. Flags exclude:

- (a) national flags that do not carry any advertisement in addition to the design of the flag or flag staff, and
- (b) flags carried as part of a procession;

**"forecourt"** means an outdoor area forming a functional part of a building housing an enterprise, and may include the area of a filling station where the pumps are situated, or a terrace in front of a restaurant, enclosing fences, walls, screens or similar structures, excluding sidewalk areas in front of business premises intended for pedestrian circulation;

**"forecourt advertising sign"** means an advertising sign on a forecourt of business premises, being an advertisement displayed in such forecourt to draw attention to commercial services, goods for sale or other services available at the premises, but does not include a combination advertising sign at a filling station or roadside service area;

**"free standing sign"** means a sign that stands on its own or has its own support and is not attached to any building or does not form part of or is not an integral part of an architectural element or structure;

**"flashing sign"** means a sign in which a symbol, figure, message or illustration intermittently appears and/or disappears and/or is illuminated with light of varying colour or intensity;

**"flat sign"** means any sign which is affixed to any external wall of a building used for commercial, office, industrial or entertainment purposes, but excluding a parapet wall, balustrade or railing of a veranda or balcony of any such building, which at no point projects more than 300mm from the surface of such a wall and which may consist of a panel or sheet or of individual numbers, letters or symbols;

**"freeway"** means a national road that has been designated as a freeway by an appropriate road traffic sign in terms of the National Road Traffic Act;

**"functional public advertisement"** means an advertisement displayed only for announcement or direction of the functions of municipalities or parastatal bodies that cannot be displayed under any other class of advertisement;

**"gantry billboard"** means a billboard fixed to an overhead structure, usually spanning a road;

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

**"height"** means the maximum vertical distance from the ground, road surface, or surface level to the top of the advertising sign;

**"height zone"** means a "zone" indicating restrictions as to the height of buildings;

**"illuminated"** in relation to an advertisement means that it has been installed with electrical or other power for the purpose of illuminating it, either continuously or intermittently;

**"large billboard"** means any billboard ranging in size from 18 m<sup>2</sup> to 36 m<sup>2</sup> in area of advertising sign;

**"large electronic billboard"** means an advertising sign that is an electronic billboard larger than 18 square metres in area;

**"light not intended for illumination"** means a flashing, flickering or continuous light source, beam of light or a number of such sources or beams, aimed or moved in such a manner as to attract attention, without being primarily for the purpose of illuminating an area or object;

**"locality bound"** means an advertisement displayed on a specific erf or premises and referring to an activity, product, service or attraction located, rendered or provided on that erf or those premises or inside that building;

**"m"** means metre;

**"mm"** means millimetre;

**"mobile or transit sign"** means an advertisement attached to or displayed on a vehicle vessel or craft on land, on water or in the air.

**"municipal area"** means the jurisdiction area of the municipality;

**"municipality"** means the **"Nkomazi Municipality (NM)"** or any officials, committee or employees of the municipality to whom any of its powers under these By-laws has been delegated to, in terms of the provisions of Part 3, section 59 of the Local Government: Municipal Systems Act 32 of 2000;

**"National Road Traffic Act"** means the National Road Traffic Act, 1996 (Act 93 of 1996);

**"natural area"** means an area of the rural or non-urban environment which is in an unspoilt natural state or is of high scenic value, and includes, but is not limited to national parks, game reserves, nature reserves, marine reserves, wilderness areas, areas of extensive agricultural and scenic areas and includes Marloth Park township;

**"on-premises business advertising sign"** means an advertising sign aimed at identifying and locating business enterprises and industries, and excludes a residential or community advertising sign;

**"owner"** in relation to an advertisement means the person who owns the advertising structure, or will own the structure once it has been erected, or any person who has a right to or share in the ownership of the advertising structure;

**"outdoor advertising"** means the act or process of notifying, warning, informing, making known or any other act of transferring information in a visible manner and which takes place out of doors;

**"performing arts"** means any live entertainment and / or performances performed by artists or entertainers;

**"permanent sign"** means a sign that may be displayed for a maximum of five years or any other period approved by the municipality;

**"policy"** means the By-laws for the Control of Outdoor Advertising, the South African Manual for Outdoor Advertising Control (SAMOAC), the relevant Town Planning Schemes applicable in the municipal area, the application of the National Building Standards Act, 1977 (Act 103 of 1977), Council resolutions and the relevant departmental policy and /or guidelines.

**"poster"** means any placard announcing or attracting public attention to any meeting, event, function, activity or undertaking or to the candidature of any person nominated for election to parliament, the local government or similar body or to a referendum;

**"product replica or three-dimensional advertising sign"** is a replica or device used for advertising that may be free-standing or attached to a structure, and includes an inflatable object that is not an aerial advertisement;

**"project board"** means an advertising sign displaying the involvement of a contractor or consultant in a construction project;

**"projected sign"** means any sign projected by a cinematograph or other apparatus, but does not include a sign projected onto the audience's side of a drive-in cinema screen during a performance;

**"projecting sign"** means any advertising sign which is affixed to a main wall of a building which is used for commercial, office, industrial or entertainment purposes and which projects more than 300mm from the surface of the main wall and is affixed at a right angle to the street line.

**"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 municipal area;

**"pylon sign"** means any sign whether stationary or actuated, displayed on or forming an integral part of a pylon, mast, tower or similar structure other than a building or an advertising hoarding;

**"residential or community advertising signs"** includes a variety of small notices and advertising signs displayed on premises used for residential – orientated purposes and for community services, and include advertising signs in urban areas and also on places of residence in natural and rural areas, but are limited to-

- (a) identification, direction and warning signs with regard to residence, for example-
  - (i) names of houses, flat complexes, farms and smallholdings;
  - (ii) signs such as "beware of the dog", "no parking" and "close the gate";
  - (iii) signs indicating the nature of or main activity on farms and smallholdings;
- (b) signs showing the name or nature of the business, practice or enterprise or the owners or practitioners of small businesses, enterprises and practices in urban residential premises and buildings constructed or used for community purposes or premises on urban , but not rural, smallholdings;
- (c) signs showing the name and nature of the facility or of the proprietor or partners, on small scale accommodation facilities;
- (d) signs showing the name and nature of the institution, the names of practitioners and nature and extent of services on community services and institutions, such as religious, cultural, educational and recreational institutions and medical institutions related to those purposes;

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

**"road median"** means the area separating traffic lanes on a roadway;

**"road reserve"** means the full width of a national, provincial or existing public road, and includes roadways, shoulders, and sidewalks and the air space above such roadways, shoulders and sidewalks and all other areas within the road reserve boundary;

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



**"roadside service area"** means an area with direct access from a national road in which facilities and services such as petrol and diesel sales, restaurants, fast food outlets, toilets, playgrounds and picnic spots may be provided for motorists;

**"road traffic sign"** means any road traffic sign as defined in the National Road Traffic Act and the Road Traffic Ordinance, 1966 (Ordinance 21 of 1966);

**"roadway"** means a roadway as defined in the National Road Traffic Act;

**"roof sign"** means a sign on the main roof of a building lower than the height zone of a building and which building is used or partly used for commercial, office, industrial or entertainment purposes;

**"rotating sign"** means a sign which rotates about any axis;

**"rural area"** means an area forming a transition between urban areas and unspoilt natural areas and includes intensive agricultural, subsistence agriculture and peri-urban small holdings of a predominantly rural nature and with relatively low population densities;

**"SAMOAC"** means the South African Manual for Outdoor Advertising Control compiled and published by the Department of Environmental Affairs and Tourism in conjunction with the Department of Transport, April 1998.

**"security advertisement"** means an outdoor advertisement for neighbourhood watch, farm watch and similar schemes, and an advertisement containing the name, address and telephone number of a security company contracted to protect the premises on which the advertisement is displayed;

**"service facility advertising sign"** means an advertising sign at a filling station or roadside rest and service area;

**"shoulder"** means the shoulder of a national road, provincial road or existing public road as defined in the National Road Traffic Act, the Road Traffic Ordinance or the relevant Town Planning Scheme.

**"sidewalk"** means a sidewalk of a national road, provincial road or existing public road as defined in the National Road Traffic Act, Road Traffic Ordinance or relevant Town Planning Scheme.

**"sidewalk poster or notice"** means a temporary advertisement attached to an electrical light standard within a road reserve to advertise public and charitable events, functions, occasions, meetings or campaigns of a religious, educational, cultural, political, social, sporting or recreational nature, and includes a poster displayed for an election or referendum campaign;

**"sign"** means any device or article with writing, letters, numbers or illustrations on it, or a non-physical sign projected on buildings or any other structure or in the air with the aid of modern technology (e.g. laser beams), which device, article or non-physical sign is visibly displayed in any way whatsoever from a street or public place for the purpose of advertising, providing information, or attracting the public to any place for the purpose of advertising, providing information, or attracting the public to any place, public display, article or merchandise for sale, and the surface or structure of such device, article or non-physical sign is attached to or forms part of a building, or is fixed to the ground or to a pole, tree, screen or boarding, or is displayed in any other way, excluding information on the commodities that are exhibited;

**"sign for sale of goods or livestock"** means a sign announcing such a sale on land or premises not normally used for commercial purposes and shall include a sign announcing auctions of household goods on residential properties, or livestock or game on farms;

**"sky sign"** means a very large sign between 75m<sup>2</sup> to 300m<sup>2</sup> on top of a skyscraper in a metropolitan area that is erected or placed on the same level as or above the gutters, parapets or any other part of the roof of a building, or that extends from the gutters, parapets or any other part of the roof of a building, excluding a sign that is painted on the roof of a building;

**"small billboard"** means a billboard smaller than 18 square metres in area of advertisement;

**"sponsored road traffic project"** means a project specifically intended for the benefit of road users involving the provision of road services, the promotion of road safety or the management and conservation of road environments, agreed to between the municipality and the sponsor of the sponsored road traffic project;

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

**"street name advertising sign"** means a pole-mounted advertising sign that may be illuminated, that is displayed in combination with a street name sign

**"streetscaping" or "streetscape"** means the coherence between street furniture and other features on a national road, provincial road or existing public road;

**"suburban advertising sign"** means a pole mounted location advertising sign at the entrance to a town or suburb that carries an advertising sign beneath the road traffic sign bearing the name of the town or suburb;

**"super billboard"** means a massive billboard larger than 36 m<sup>2</sup>;

**"storey"** means that space within a building which is situated between one floor level and the next floor level above or ceiling or roof above;

**"street"** means any street, road or thoroughfare shown on a general plan of a township, agricultural holding or any other division of land or in respect of which the public have acquired a prescriptive or other right of way and which vests in the municipality;

**"temporary sign"** means a sign that may be displayed for a maximum of 14 days or any other period approved by the municipality;

**"the person"** means a lessor, a lessee, a legal or illegal occupant or a usufructuary of private, State or Municipal land on which a sign was or is being erected and/or displayed, or the individual in whose name the land on which a sign was or is being erected and/or displayed, as the case may be, is registered in the Deeds Office, and if the municipality is unable to determine the identity of the owner, an individual who is entitled to the benefit of the erection and/or display and/or use of the sign or who enjoys such benefit, or the person's authorised agent, and "the person" in the above context includes both a natural and a legal person;

**"tourism sign"** means a road traffic sign having a trapezoidal shape and white on brown colour, the main objective of which is to inform and guide tourists in the final stages of their journeys;

**"tower, bridge and pylon advertising sign"** means a billboard affixed to or painted on a tower, bridge or pylon that is not used primarily for advertising purposes;

**"tower structure"** means a structure used for advertising in a parking area of a shopping centre and at an important transport node such as an airport, railway station or bus or taxi station;

**"traffic sign"** means a road traffic sign or signal contemplated in the National Road Traffic Act or a rail traffic sign or signal;

**"trailer advertising"** means any transport trailer that is used for the purpose of advertising;

**"urban area"** means a human settlement with a population of more than 2500 people.

**"urban areas of maximum control"** include, but are not limited to, natural open spaces and urban conservation areas, interface of natural landscape with built-up areas, bodies of water, rivers, ridges, forests, open recreational areas, characteristic vistas, heritage sites or buildings, special tourist areas, skylines, residential areas, and visual zones along freeways in urban areas, unless the municipality, after obtaining a strategic environmental assessment designates areas along such freeways as areas of partial or minimum control;

**"urban areas of minimum control"** are areas which require minimum control such as areas of concentrated economic activity where business is the main focus, commercial districts, central shopping centres, central office precincts, commercial enclaves and shopping centres in industrial areas and industrial parks, entertainment districts or complexes and prominent transport nodes excluding nodes of an exceptional historical or architectural value;

**"urban areas of partial control"** are areas characterised by a greater degree of integration and complexity of land use which require a lesser degree of control, such as high density residential areas, in transition and residential areas where office and commercial encroachment have taken place and low density suburbs, small commercial enclaves in residential areas, suburban shopping centres and office parks, ribbon development along main streets, educational institutions, sports fields or stadia, commercial squares, government enclaves and smallholdings of an urban nature with a higher population density than rural small holdings;

**"vehicular advertising"** means advertising on self-driven vehicles which are normally driven on land or water and which are normally moving.

**"vehicle"** means a motor vehicle as defined in the National Road Traffic Act or the Road Traffic Ordinance.

**"verandah"** means a structure in the nature of a roof attached to or projecting from the façade of a building and supported along its free edge by columns or posts; and

**"visual zone"** refers to a zone considered to be an area of maximum control, visible from an urban freeway, extending a distance of 250 metres in any direction from the freeway reserve boundary, but which excludes all visually isolated space which cannot be seen from such a freeway;

**"window signs"** means signs of which the area is permanently painted on or attached to the window-glass of a building.

**"zone"** has the meaning assigned to it in the relevant Town Planning Scheme of the municipality, that is revised from time to time, and "use zones" has the same meaning.

## 2. SCOPE OF THESE BY – LAWS

- (1) These by-laws are designed to regulate outdoor advertising on or visible from public roads within the municipal area, whether or not such sign is erected on private property.
- (2) Unless these by-laws provide specifically that the approval of the municipality is required for a particular advertising sign, such approval is not required, but all of the conditions of these by-laws applicable to that type of advertising sign must be complied with.

## 3. DESIGNATION OF AREAS

- (1) The municipality may -
  - (a) Designate areas outside of urban areas as either natural areas or rural areas;
  - (b) in urban areas, designate areas as –
    - (i) urban areas of maximum control;
    - (ii) urban areas of partial control;
    - (iii) urban areas of minimum control.

## **PART B: PROVISIONS APPLICABLE TO ALL ADVERTISING SIGNS**

## 4. AMENITY AND DECENCY

- (1) No sign shall in the opinion of the municipality –
  - (a) be detrimental to the environment or the amenity of a human living environment by reason of size, shape, colour, texture, intensity of illumination, quality of design or materials or for any other reason;
  - (b) be in its content objectionable, indecent or suggestive of indecency or prejudicial to the public morals; or
  - (c) unreasonably obscure, partially or wholly, any sign owned by another person previously erected and legally displayed.

## 5. SAFETY

- (1) No advertisement or advertising sign shall, subject to the discretion and approval of the municipality or the appropriate roads authority –
  - (a) constitute a danger to any person or property;
  - (b) be so placed or contain an element which distracts the attention of drivers in a manner likely to lead to unsafe driving conditions;
  - (c) be illuminated to the extent that it causes discomfort to or inhibits the vision of approaching pedestrians or drivers;
  - (d) be attached to a road traffic sign or signal, combined with a road traffic sign or signal (unless specifically provided for in the South African Road Traffic Signs Manual), obscure a road traffic sign or signal, create confusion with a road traffic sign or signal, interfere with the functioning of a road traffic sign or signal or create a road safety hazard in the opinion of the municipality or the appropriate roads authority;
  - (e) obscure a pedestrian's or driver's view of pedestrians, road or rail vehicles and features of the road, railway or pavement such as junctions, bends and changes in width;
  - (f) project over a pedestrian or cycle circulation route, unless the clear height of such sign exceeds 2,4m;
  - (g) obstruct fire escapes or means of egress to fire escapes;
  - (h) be placed closer than the minimum clearance with regard to overhead power lines as prescribed by any law;
- (2) Signs or advertisements positioned along roads and specifically targeting the road user shall be concise and legible and shall comply with the following requirements:

- (a) Street numbers indicating specific premises shall have a minimum size of 150mm and a maximum size of 350mm.
- (b) No message shall be spread across more than one sign or sign panel.

6. DESIGN AND CONSTRUCTION

- (1) Any sign – shall subject to the satisfaction and approval of the municipality:
  - (a) be neatly and properly constructed and executed and finished in a workmanlike manner;
  - (b) not be detrimental to or have a negative aesthetic impact on the urban design, streetscapes or the character of the surrounding area by way of the design of the structure or device;
  - (c) have a neat appearance and shall consist of durable materials in accordance with the function, nature and permanence of the advertisement, sign or structure and materials such as cloth, canvas, cardboard, paper or synthetic cardboard should be used only when essential to the nature and function of a particular sign;
  - (d) not deface building facades with electrical services provisions and other accessories;
  - (e) be rigidly and securely attached, supported or anchored in a safe manner and so that unwanted movement in any direction is prevented;
  - (f) be capable of effectively securing, supporting and maintaining not less than twice its mass with the addition of any force to which the sign may be subjected, including wind pressure;
  - (g) wherever necessary in accordance with the nature of the sign and when attached to brickwork, masonry or concrete, be securely and effectively attached thereto by means of bolts securely embedded in such brickwork, masonry or concrete or passing through the same and secured on the opposite side;
- (2) Any advertiser or contractor shall -
  - (a) not use water soluble adhesive, adhesive tape or similar material to display or secure any sign or advertisement elsewhere than on a billboard, board or any structure provided for this purpose;
  - (b) have all exposed metalwork of any sign painted or otherwise treated to prevent corrosion and all timber treated to prevent decay; and
  - (c) have measures taken to prevent the entry of water into and the accumulation of water of moisture on or in any sign or any part of its supporting framework, brackets or other members.
- (3) All glass used in signs shall -
  - (a) other than glass tubing used in neon and similar signs, be safety glass at least 3mm thick;
  - (b) glass panels used in signs shall not exceed 0,900m<sup>2</sup> in area, each panel being securely fixed in the body of the sign, structure or device independently of all other panels.
- (4) Every illuminated sign and every sign in which electricity is used shall-
  - (a) have power cables and conduit containing electrical conductors positioned and fixed so that they are not unsightly in the opinion of the municipality;
  - (b) be constructed of material which is not combustible;
  - (c) be provided with an external switch in an accessible position whereby the electricity supply to the sign may be switched off; and
  - (d) be wired and constructed in accordance with and subject to the provisions of the Council's Electricity Code of Practice.
- (5) Damage to property
  - (e) No person shall, in the course of erecting or removing any sign, advertisement structure or device, cause damage to any tree, electrical standard or service or other public installation or property.

**7. MAINTENANCE**

- (1) Any sign shall –
  - (a) where possible, be located at a height that discourage vandalism;
  - (b) be serviced on a regular basis; and
  - (c) be maintained in good repair and in a safe condition and according to the highest standards as regards quality of structure, posting and sign writing.
- (2) The owner of any land or building on which a sign is displayed or erected, or to which a sign is attached, and the owner of any such sign shall be jointly and severally responsible for the maintenance in a safe and proper condition and for the cleaning and the repainting of any such sign.
- (3) The provisions of the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977, shall apply mutatis mutandis to every sign, advertising board and its supporting structure.

**8. POSITION**

- (1) Signs shall not, except where specifically authorised by these by laws:-
  - (a) Cause any obstruction to a motorist's view of the roadway or its approaches, regardless of the direction the motorist is travelling;
  - (b) Be positioned on a road island or road median;
  - (c) Be suspended across a road;
  - (d) Be erected within or suspended above a road reserve of main arterial roads;

**9. ILLUMINATION**

- (1) Illumination is permitted on an advertisement only if it does not lead to unsafe driving conditions, and where it is specifically not prohibited;
- (2) The maximum luminance level as determined by the International Commission on Illumination and provided in SAMOAC is permitted.
- (3) The light source emanating from floodlights shall not be visible to traffic travelling in either direction.
- (4) Floodlighting shall be positioned to ensure effective distribution and minimise light wastage or "spill".
- (5) No person shall erect or display any animated or flashing sign, the frequency of the animations or flashes or other intermittent alteration, of which disturbs the residents or occupants of any building or is a source of nuisance to the public.

**PART C: TYPES OF ADVERTISING SIGNS AND CONDITIONS OF THEIR ERECTION OR DISPLAY****10. ELECTRONIC BILLBOARDS**

- (1) No person may erect an electronic billboard without first obtaining the written approval of the municipality.
- (2) An environmental impact assessment shall be required for any electronic billboard. Such environmental impact assessment shall include visual, social and traffic safety aspects.
- (3) Any electronic billboard permitted by the municipality shall not exceed a maximum size of 18m<sup>2</sup> and a maximum height of 7,5m.

- (4) An electronic billboard must be displayed perpendicular to oncoming traffic;
- (5) No electronic billboard shall be erected within a radius of 300m from the centre of an intersection on an arterial road or within a radius of 100m from the centre of an intersection on any lower order road in such a manner as to be oriented towards such an intersection.
- (6) No one may erect an electronic billboard in a visual zone in an area other than an urban area of partial or minimum control.
- (7) No more than one electronic billboard shall be allowed on any site and an electronic billboard shall not be erected closer than 1,5 kilometres to another electronic billboard.

11. SUPER BILLBOARDS

- (1) No super billboards are allowed in the municipal area.

12. GANTRY BILLBOARDS

- (1) No person may erect a gantry billboard without first obtaining the written approval of the municipality;
- (2) Gantry billboards shall only be permitted for the dual purposes of providing advertising space and of creating a branded entrance to specific areas identified by the municipality and must incorporate the branding and identity elements approved by the municipality.

13. LARGE BILLBOARDS AND CUSTOM-MADE BILLBOARDS

- (3) No person may erect a large billboard or custom-made billboards without first obtaining the written approval of the municipality.
- (4) At a road intersection, a maximum of only two large billboards or custom-made billboards per intersection shall be permitted.
- (5) A large billboard or custom-made billboard permitted by the municipality shall not exceed a maximum of 36 m<sup>2</sup> and a maximum height of 9 m from ground level, with a clear height of 2,4 m.
- (6) A large billboard or custom-made billboard shall be displayed perpendicular to or at an angle of 30° to the direction of on-coming traffic.
- (7) No large billboard or custom-made billboard shall be permitted within a radius of 100m from the centre of an intersection on an arterial road and within 50m from the centre of an intersection of any lower order road.
- (8) No more than one large billboard or custom-made billboard shall be allowed on any site.
- (9) A large billboard or custom-made billboard shall be spaced as follows:

<p>On an urban freeway or expressway or arterial road where a speed limit of more than 80 km/hour has been imposed</p>	<p>At least 250 metres apart and at least 250 metres from any product replica or three dimensional sign when in view of each other or of such product replica or three dimensional sign and on the same side of the road, and at least 200m from any road traffic sign.</p>
<p>On an urban freeway or expressway or arterial road where a speed limit of more than 60 and up to 80 km/hour has been imposed</p>	<p>At least 200 metres apart and at least 200 metres from any product replica or three dimensional sign when in view of each other or of such product replica or three dimensional sign and on the same side of a road, and at least 100m from any road traffic sign.</p>
<p>On an urban freeway or expressway or arterial road where a speed limit of 60 km/hour or less has been imposed</p>	<p>At least 120 metres apart and at least 120 metres from any product replica or three dimensional sign when in view of each other or of such product replica or three dimensional sign and on the same side of a road, and at least 50m from any road traffic sign.</p>

14. SMALL BILLBOARDS AND TOWER STRUCTURES

- (1) No person may erect a small billboard or tower structure without first obtaining the written approval of the municipality.
- (2) A small billboard or tower structure shall not exceed a maximum size of 6 m<sup>2</sup> and a maximum height of 4 m and shall have a clear height of not less than 2,4 m.
- (3) Small billboards and tower structures shall be permitted only in urban areas of minimum and partial control.
- (4) No panel of a tower structure shall exceed a maximum size of 4,5 m<sup>2</sup> and the clear height of a tower structure shall not be less than 2,4 m with a maximum height of 5m from ground level.
- (5) Small billboards and tower structures shall primarily be aimed at users within the activity centre.
- (6) Small billboards and tower structures must harmonize aesthetically with buildings and streetscapes.

## 15. ADVERTISEMENTS ON STREET FURNITURE

## Street furniture signs:

- (1) are not allowed in natural or rural areas.
- (2) shall not be placed so as to obstruct pedestrian movement.
- (3) shall require the specific consent of the municipality.
- (4) may be illuminated but not animated.
- (5) may not be displayed on a road median or road island.
- (6) shall not exceed 2,2,m<sup>2</sup> in area of sign on a single.
- (7) may be used for commercial advertising.

## 16. BANNERS

- (1) A banner may be used only for-
  - (a) Locality-bound advertising of functions or events conducted for religious, educational, social, welfare, animal welfare, sporting, civic, cultural or performing arts purposes or functions relating to municipal, provincial or parliamentary elections or referenda;
  - (b) Locality-bound advertisement displaying of the name, corporate symbol and nature of enterprises;
  - (c) Streetscaping urban areas such as pedestrian malls and gateways.
  - (d) Non locality- bound advertising of functions or events at locations specified by the municipality.
- (2) A banner is not permitted in a natural area.
- (3) Banners mentioned under (1)(c) and (d) shall not be displayed without the written approval of the municipality, subject to such conditions, as the municipality may deem expedient.
- (4) Every person to whom permission has been granted in terms of subsection (1)(d) for the display of an advertisement on a banner shall ensure that the following requirements are complied with:
  - a) Banners may be permitted at intersections in urban areas as defined in terms of municipal policy;
  - b) Not more than four (4) banners per identified road intersection shall be displayed in respect of one function or event and for the purpose of this subsection an "intersection" means all four corners of the intersection excluding the median;
  - c) Not more than one banner per corner of the intersection shall be displayed;
  - d) Every banner shall be attached to or suspended between poles to be provided by the applicant;
  - e) Every banner shall be so attached so as not to interfere with or constitute a danger to passing vehicular or pedestrian traffic; and
  - f) No banner shall be displayed for more than two weeks before the date of the function or event advertised, nor shall any such advertisement be permitted to remain in position for more than one day after the conclusion of such function or event;
  - g) No banner shall exceed a maximum size of 6m<sup>2</sup> and a maximum height of 2m.
  - h) A banner must bear an official stamp or sticker from the municipality, which displays the expiry date prominently, and may not be displayed without such a stamp or sticker.
  - i) The advertising of commercial products, services or events by means of a banner is prohibited.



j) A banner for the advertising of live entertainment, or performing arts functions, or events is permitted subject to specific consent of the municipality and provided that the wording and / or logo used to advertise the venue of such function or event shall be less conspicuous than the name of the live entertainer or performance artist and may not exceed 20% of the banner.

(5) The municipality may enter into a concession agreement with a private institution in respect of the control of banners mentioned under (1)(c) and (d), subject to the provisions of these by-laws;

#### 17. FLAGS

(1) A flag may be used only for-

- (a) locality-bound advertising of functions or events conducted for religious, educational, social, welfare, sporting, civic, cultural or performing arts purposes, or functions, or events relating to municipal, provincial or parliamentary elections or referenda;
- (b) locality-bound advertisements displaying of the name, corporate symbol and nature of enterprises;
- (c) street scaping urban areas such as pedestrian malls and gateways;
- (d) non-locality bound advertisements, or campaigns, or events at locations specified by the municipality;

(2) Flags mentioned in (1)(a),(c) and (d) above shall not be displayed without the written approval of the municipality;

(3) A flag is not permitted in a natural area;

(4) The lowest point of a flags displayed in terms of (1)(d) may not be lower than two-thirds of the vertical length of the pole;

(5) A flag may not be attached in such a manner as to interfere with or constitutes a danger to passing pedestrians or traffic;

(6) A maximum of only ten (10) flags shall be permitted per shopping centre;

(7) The municipality may enter into a concession agreement with a private institution in respect of the control of flags mentioned under (1)(c) and (d), subject to the provisions of these by-laws;

#### 18. SUBURBAN ADVERTISING SIGNS

(1) No suburban advertising sign shall be displayed without the written approval of the municipality, subject to such conditions, as the municipality may deem expedient.

(2) A suburban advertising sign must be rectangular, and must be not more than 0,4 metres in height and not wider than the suburb name sign. It must be less conspicuous than the suburb name sign.

(3) A suburban advertising sign may not bear colours that may cause confusion with road traffic signs and may not be illuminated or animated.

(4) Suburban advertising signs must comply with the requirements of the suburb name GL2 sign as prescribed in the National Road Traffic Act.

#### 19. ESTATE AGENTS' BOARDS

(1) An estate agents' board may not contain information other than the words "for sale", "to let" or "sold", "sole mandate" and the name, logo, and telephone number of the selling or letting agent. This excludes Marloth Park where boards must be brown in colour and may only

contain the words " for sale" and the name and telephone number of the selling agent. No logo's or company names may be contained.

- (2) An estate agents' board is permissible in any area, excluding Marloth Park, where conditions for natural areas will apply, but not more than one such board per estate agent may be erected on any erf and not more than three agents may display their boards simultaneously on the same erf.
- (3) An estate agents' board may only be a single board or two duplicate boards joined together.
- (4) The maximum size of an estate agents' board shall be-

Natural and rural areas	1,0m <sup>2</sup>
Urban Areas of maximum or partial control	0,55m <sup>2</sup>
Urban Areas of minimum control	2,8m <sup>2</sup>

- (5) An estate agents' board must be attached to the boundary fence of the property concerned or displayed within the boundaries of premises.
- (6) An estate agents' board must be removed not later than 30 days after conclusion of a contract of sale or lease of the property in question.
- (7) No illumination or animation of estate agents' board is allowed.

#### 20. TEMPORARY DIRECTION INDICATORS FOR SHOW HOUSES

- (1) Only an estate agent, who is a registered member of the recognised Estate Agent's Board or institute, may display direction indicators for show houses;
- (2) Direction boards indicating the position of a property (known as "trail blazer boards"), shall be permitted subject to the following:
  - (i) Direction signs to show houses may be displayed over weekends only from Friday 10h00 until Monday morning 10h00 and in the case of public holidays from 6h00 to 18h00 on the public holiday;
  - (ii) Each face of a sign shall not be larger than 600mm x 600mm;
  - (iii) The selling or letting agent shall not display more than 15 signs per show house or property, irrespective of the number of routes to the show house or property. of which such signs may be double-sided;
  - (iv) No signs shall be displayed on the N4 National Road or in Marloth Park;
  - (v) Direction signs shall:
    - a) not be displayed on the middle island of all roads;
    - b) be displayed within a maximum distance of 20 metres from an intersection;

- c) be displayed at a minimum distance of 5m from such intersection, 2m from edge of kerb, with a maximum height of one metre; provided that only one indicator (per direction) per estate agent shall be permitted;
  - (vi) Signs shall use only an arrow to indicate the direction of the show premises;
  - (vii) Only the estate agent's name and the words "show house/ skouhuis" shall appear on the signs;
  - (viii) The selling or letting agent shall register with the municipality or the appointed agent of the municipality before being allowed to erect signs in the municipal area;
  - (ix) A registration fee as determined from time to time by the municipality is payable annually;
  - (x) The selling or letting agent who disregards any of the restrictions forfeits the registration deposit and the agent, his / her principal and / or agency will be considered unregistered;
  - (xi) No signs shall be placed on traffic circles, traffic medians, traffic islands, traffic lights, road traffic signs, power masts, trees, pillars, fencing, electrical substations, bridges or any similar structures;
- (3) The municipality may, without prior notice to anybody, remove any temporary advertisement in respect of the sale or letting of movable property, which is erected in contravention of these by-laws, and the person who displayed the advertisement or permitted or allowed it to be displayed, will be responsible for the costs of removal.
- (4) The municipality may withdraw / cancel a registered agent's right to display direction boards if, in the opinion of the municipality, the registered agent fails to comply with the provision of these by-laws.

## 21. ADVERTISEMENTS FOR SALE OF GOODS OR LIVESTOCK

- (1) Only one advertisement for sale of goods or livestock per sale shall be allowed.
- (2) The size of such an advertisement may not exceed two square metres in a natural or rural area or an urban area of maximum or partial control, and 2,8 square metres in an urban area of minimum control, and no part of the advertisement shall be higher than three metres above the ground.
- (3) Such an advertisement may be displayed only on the premises or property where the advertised sale is to take place, or be attached to the boundary fence of such a property or premises.
- (4) No illumination or animation of such an advertisement shall be allowed.
- (5) Such an advertisement may be erected no earlier than one day before the sale in question and must be removed not later than one day after such sale, and advertisements of a permanent nature are not allowed.

## 22. AUCTION POSTERS

- (1) Auction posters shall not be larger than 900 mm x 600 mm.
- (2) Auction posters require specific consent of the municipality.
- (3) Auction posters shall only be displayed for 7 days prior to and including the date of the auction.

- (4) Only one auction poster per street block is allowed, with a maximum of six signs per auction per urban area.
- (5) No auction poster shall be displayed on a road intersection but shall be placed at least 50m from the intersection.
- (6) Auction posters shall not be erected on tarred or paved surfaces.
- (7) Auction posters shall not be higher than 1 m and shall not cause an obstruction or pose a danger to pedestrian- or other traffic.
- (8) Auction posters shall use an arrow to indicate the direction of the auction.
- (9) The auctioneer's name, the word "auction" and details of the auction must appear on the signs.
- (10) A copy of the relevant court order with the case number must accompany the application for consent.
- (11) The case number must be clearly displayed in characters of not less than 50 mm in height at the bottom of the signs.
- (12) All information on the poster shall have a minimum letter size of 50 mm (including the lower case letter size).
- (13) No signs shall be placed on traffic circles, traffic medians, traffic islands, traffic lights, road traffic signs, power masts, trees, pillars, fencing, electrical substations, bridges or any similar structures. No signs may be placed in Marloth Park.

### 23. POSTERS

- (1) A poster may be displayed only in an urban area of partial or minimum control;
- (2) No person may erect a poster without first obtaining the written approval of the municipality;
- (3) A poster may only be displayed on a structure which is provided for the express purpose of pasting or affixing the poster or notice, and may not be attached or affixed to a road traffic sign or a signal, wall, column or post of a veranda or balcony, electricity box, tree or bridge.
- (4) A poster may not be illuminated or animated.
- (5) Only one poster may be displayed per post or standard, except that in the case of election or referendum, not more than three posters per post or standard shall be allowed.
- (6) The name of the institution, body or organisation, the date of the function or event and the venue thereof must appear on each poster.
- (7) A poster may not exceed a size of 600mm x 1m in area.
- (8) Anyone displaying a poster advertisement must pay a deposit to the municipality. Should the advertiser not conform to the above, the deposit would be used to enable the municipality to remove the advertisement. If the owner concerned removes the advertisements as prescribed, deposits would be refunded.
- (9) A poster, except for an election or referendum poster, must bear an official stamp or sticker from the municipality which displays the expiry date prominently, and may not be displayed without such a stamp or sticker.

- (10) A parliamentary, provincial or municipal election or referendum poster, may not be erected before the date on which the notice or proclamation in the *Government Gazette* or provincial gazette announcing the election or referendum is published and must be removed not later than 7 days after the date of the election or referendum.
- (11) A poster, except for an election or referendum poster, may not be erected more than 14 days before the relevant event and must be removed not later than three days thereafter.
- (12) Posters may not be displayed on the road reserve or road reserve boundaries of freeways, national roads or provincial roads.
- (13) The advertising of commercial products, services or events by means of a poster is prohibited.
- (14) The advertising of live entertainment or performing arts functions or events is permitted subject to specific consent of the municipality and provided that the wording and or logo use to advertise the venue of such function or event shall be less conspicuous than the name of the live entertainer or performing artist and may not exceed 20 % of the poster.

#### 24. PROJECT BOARDS

- (1) A project board must be approved by the relevant developer or employer, and may display only:
  - (a) a description of the building or structure being erected or other work or activity being carried out;
  - (b) the names and the company symbols or logos of the contractors or consultants;
  - (c) the branches of their industry or profession;
  - (d) a description of the development being carried out;
- (2) Only one combined project board listing contractors and consultants shall be allowed per street front of a site.
- (3) A project board shall not exceed 1,5 square metres in area of advertisement per consultant or contractor, and may not exceed a total area of 9 square metres.
- (4) A project board may be erected on a road reserve, only if there is insufficient space on the development site, but a board concerning road construction may be positioned in any road reserve.
- (5) A project board may not be illuminated or animated.
- (6) A project board may be displayed only while the relevant works are actually taking place on the site and until such time that an occupation certificate has been issued.

#### 25. DEVELOPMENT ADVERTISING SIGNS

- (1) No person may erect a development advertising sign board without first obtaining the written approval of the municipality.
- (2) A development advertising sign board must be approved by the relevant developer or employer, and may display only:-
  - (a) a description of the building or structure being erected or other work or activity being carried out;
  - (b) a description of the development being carried out;
  - (c) where relevant, details of the name, address and telephone number of the developer or the agent of the developer;

- (3) Only one advertising sign describing the type of development shall be allowed. No person may erect such an advertising sign without first obtaining the written approval of the municipality.
- (4) An advertising sign describing a type of development may not exceed three metres in height. It may not exceed 6.0 square metres in area of advertisement in an area of maximum control and 12 square metres in any other area.
- (5) Development advertising signs may be illuminated but not animated.
- (6) A development advertising sign may only be displayed for a maximum period of one year after the date of approval of such development, after written approval of the municipality has been obtained.

#### 26. CONSTRUCTION SITE ADVERTISING SIGNS

- (1) A construction site advertising sign is permitted in all areas of control.
- (2) No person may erect or display a construction site advertising sign without first obtaining the written approval of the municipality, unless the advertising sign does not exceed 6,0 square metres in size.
- (3) Construction site advertising signs may be erected only for the duration of the relevant construction works.
- (4) Construction site advertising signs may not exceed a vertical dimension of 3,0 metres and a total area of advertisement of 18 square metres.
- (5) Construction site advertising signs may be illuminated but not animated.

#### 27. STREET NAME ADVERTISING SIGNS

- (1) A street name advertising sign shall be permitted only in an urban area on a road other than a freeway.
- (2) A street name advertising sign, which omits the street name shall not be permitted.
- (3) No one may erect a street name advertising sign without first obtaining the written approval of the municipality.
- (4) Where illuminated, the illuminated portion of the advertisement must be above the level of standard pole-mounted traffic lights and may not extend over the road surface.
- (5) A street name advertising sign may be erected only at an intersection and may be erected on a road reserve or road median.
- (6) Only four street name advertising signs will be permitted per intersection.
- (7) The street name advertising sign shall comply with the requirements for the street name GL1 sign as prescribed in the National Road Traffic Act.

#### 28. SECURITY ADVERTISEMENTS

- (1) A security advertisement must refer only to the existence and operation of a commercial security service, burglar alarm system, neighbourhood watch, farm watch or similar system or scheme and may only be displayed on the premises where such security service is rendered.
- (2) A security advertisement may not exceed 0,35 square metres in area of advertisement, except a farm advertisement, which may not exceed 1,5 square metres in area of advertisement. All such advertisements may not exceed a height of three metres above ground level.

- (3) In an urban area, only one security advertisement per street boundary of the premises on which such security service is rendered may be erected and must be firmly affixed to the building, boundary wall, fence or gate on the street frontage or within the boundaries of the erf. Security advertisements may not be affixed to trees.
- (4) A security advertisement on a farm may be displayed at the intersection of a national road or provincial road with a private access road or at the entrance property. Only one advertisement per farm or holding shall be allowed. The advertisement may be erected within a road reserve other than a freeway, but not on a road-island or median.
- (5) A security advertisement may not be illuminated or animated.

29. PRODUCT REPLICAS AND THREE – DIMENSIONAL ADVERTISING SIGNS

- (1) A product replica or three-dimensional advertising sign shall be permitted in a shopping centre or other commercial area or in an entertainment or industrial area situated in an area of partial or minimum control.
- (2) The highest point of a free-standing product replica or three-dimensional advertising sign above ground level shall not exceed 4 metres in an urban area of partial control and 7,5 metres in an urban area of minimum control.
- (3) A product replica or three-dimensional advertising sign may only be displayed within the boundaries of the site, and may only be displayed at the premises where the business is conducted.

30. SKY SIGNS

- (1) No person shall erect or display a sky sign or cause or allow a sky sign to be erected or displayed in the municipal area.

31. ROOF SIGNS

- (1) No one may erect a roof sign without first obtaining the written approval of the municipality.
- (2) A roof sign shall be permitted in areas of partial and minimum control.
- (3) Only locality-bound roof signs shall be permitted.
- (4) The bottom of the roof sign shall not be more than 120 mm above the closest portion of the roof beneath it.
- (5) The main axis of a roof sign shall be horizontal.
- (6) A roof sign shall not exceed the areas set out below:

Height of sign above the ground	Maximum area of sign
< 6m	2m <sup>2</sup>
6m < 9m	4m <sup>2</sup>
9m < 12m	8m <sup>2</sup>

12m < 18m	12m <sup>2</sup>
18m+	18m <sup>2</sup>

- (7) A roof sign shall not exceed 300 mm in thickness.
- (8) Roof signs shall, if required by the municipality be placed so as not to form part of the skyline of buildings.
- (9) A roof sign shall not extend beyond the roof of the building in any direction.

### 32. FLAT SIGNS

- (1) Flat signs shall only be allowed in urban areas of minimum, partial and maximum control and at centres of economic activity in rural and natural area of maximum control, but shall be limited to buildings utilised for commercial, industrial, or entertainment purposes and larger accommodation facilities.
- (2) Only locality bound flat signs shall be allowed.
- (3) An environmental impact assessment regarding the visual, social and traffic safety aspects shall be required for any flat sign in excess of 36m<sup>2</sup>.

### 33. PROJECTING SIGNS

- (1) Projecting signs shall only be allowed in urban areas of minimum, partial and maximum control and at centres of economic activity in rural and natural area of maximum control, but shall be limited to buildings utilised for commercial, industrial, or entertainment purposes and larger accommodation facilities.
- (2) Only locality bound projecting signs shall be allowed in the municipal area.
- (3) A projecting sign shall not be fixed at a clear height of less than 2,4m not exceed 300m in thickness.
- (4) Only one projecting sign shall be allowed per enterprise façade.

### 34. BALCONY OR UNDERAWNING ADVERTISING SIGNS

- (1) A balcony or under awning advertising sign may be erected only on premises used for commercial, office, industrial or entertainment purposes.
- (2) In the case of an advertisement contemplated in paragraph (a), (b) or (c) of the definition of "balcony or under awning advertising sign" –
  - (a) no advertising sign may project at any point more than 100 millimetres from the surface to which it is affixed;
  - (b) no advertising sign may exceed a vertical dimension of 750mm and a horizontal dimension of 2400mm;
  - (c) no advertising sign may extend above or below or beyond any extremity of a parapet wall, balustrade, railing, beam or fascia;
- (3) in the case of an advertising sign contemplated in paragraph (d) of the definition of "balcony or under awning advertising sign"-
  - (a) the advertising sign must be painted on or affixed flat onto the supporting column, pillar or post;



- (b) no advertising sign may extend beyond any extremity of the column, pillar or post;
  - (c) an advertising sign affixed flat onto a non-rectangular supporting structure must be curved to fit the form of such a structure;
  - (d) only one advertising sign per column, pillar or post is allowed;
- (4) A balcony or under awning advertising sign may be suspended above a sidewalk or road reserve and no part of such advertising sign shall be less than 2,4m above the surface of the sidewalk or ground level immediately below it.
- (5) No illuminated advertising sign or advertisement designed to reflect light may be attached to or displayed on a splayed or rounded corner of a balcony at a street intersection, unless the bottom of the advertising sign is at least six metres above the street immediately below it.

35. SIGNS PAINTED ON BUILDINGS, BOUNDARY WALLS AND ROOFS

- (1) Signs painted on buildings, boundary walls and roofs shall be permitted only in urban areas of partial and minimum control.
- (2) Signs painted on the façade of a building shall not cover more than 20% of such façade of the building, boundary wall or roof of the enterprise to which such sign pertains.
- (3) Not more than one sign per enterprise shall be allowed while no more than one locality-bound sign per building, boundary wall or roof shall be allowed.
- (4) Signs painted on the façade of a building shall be allowed only at a position below the lower edge of any visible second-floor window.

36. WINDOW SIGNS

- (1) Window signs are permitted in all urban areas of control and at centres of economic activity in natural and rural areas of maximum control.

37. FORECOURT ADVERTISING SIGNS

- (1) A forecourt advertising sign may be displayed only in an urban area. In any other area, it may only be displayed in a centre of economic activity;
- (2) A forecourt advertising sign may not be displayed in a road reserve and may not interfere with pedestrian circulation.
- (3) A forecourt advertising sign may not be animated.

38. RESIDENTIAL OR COMMUNITY ADVERTISING SIGNS

- (1) A residential or community advertising sign may be affixed flat or painted on a gate or wall, or on a pole mounted advertising sign or an advertisement with supporting structures forming a visual structure around the sign panel.
- (2) In the case of an advertising sign showing the name and nature of an enterprise or place of residence or the name of a proprietor or practitioner, one advertising sign per premises is allowed, that may not exceed the following sizes: provided that where there is more than one entrance to the same premises on different road frontages, two advertising signs may be displayed, each on a different frontage:

Consent use	Permissable size
Guest house	1,5 m x 1,5 m
Home business	420 mm x 300 mm
Day mothers / play group	420 mm x 300 mm

Pre-school	1,5 m x 1,5 m
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- (3) In the case of a residential or community advertising sign, a name or logo of a sponsor of the advertising sign may not be displayed except on the name of a farm or smallholding. The sponsor advertisement may not exceed one third of the total advertisement area.
- (4) A residential or community advertising sign may be displayed only on the premises to which it refers, or on the boundary wall, fence or gate of such premises;
- (5) A farm or smallholding name sign must be displayed next to the entrance of the access road thereto or affixed to the gate at the entrance of such access road. Where more than two farms or smallholdings share an unnumbered or private access road, a direction road traffic sign must be used to indicate the access road;
- (6) A free standing residential or community advertising sign is allowed only where it is not aesthetically or practically acceptable to attach a sign to a building or boundary wall, fence or gate, and may not be erected in a road reserve;
- (7) A residential or community advertising sign may not be animated, and may be illuminated only in an urban area. It must harmonise with the buildings and other structures on the premises as to materials, colour, texture, form, style and character.

#### 39. ON – PREMISES BUSINESS ADVERTISING SIGNS

- (1) An on-premises business sign must be locality bound and shall only provide information on the name and nature of the enterprise, the brand-name and the nature of goods sold or produced and the nature of services provided and the name of the proprietor(s) or practitioner(s).
- (2) An on-premises business sign may be a combination sign for a variety of businesses in the same locality and may also be free-standing.
- (3) An on-premises business sign shall only be displayed if:
  - (i) signs affixed to the building may not be noticed by passing pedestrian or motorists due to the position of the building;
  - (ii) it is not structurally possible or visually feasible to affix appropriate signs to a building;
  - (iii) the sign is needed to locate the entrance to business premises or the private access road to a business;
- (4) An on-premises business sign requires the specific consent of the municipality and / or the relevant roads authority.
- (5) In the case of a combination sign,-
  - (a) the design must harmonise with the architecture of the particular building or other adjacent buildings or structures;
  - (b) messages on individual panels of the sign must be concise and legible;
  - (c) the content of individual panels of such a sign must be harmonious in terms of form letter types and colour.
  - (d) Combination signs must be harmonious in terms of form, letter types and colour.
  - (e) Combination signs shall be designed and located so as not to create a traffic safety hazard.
- (6) Only one on-premises business sign shall be allowed per enterprise, unless there is more than one entrance on different road frontages, in which case two will be allowed, one per frontage.
- (7) In an area of maximum control the sign shall be a maximum of 6m<sup>2</sup> in area and 7,5 m in height.

- (8) In an area of partial or minimum control, the sign shall be a maximum of 12m<sup>2</sup> in area and 7,5m in height.
- (9) A height increase to 10m can be considered subject to a height restriction relaxation in terms of the relevant Town Planning Scheme as amended from time to time.
- (10) The name or logo of the sponsor of the on-premises business sign may be displayed if it refers to products or services available at that specific enterprise, but shall not occupy more than one third of the total area of the sign.
- (11) An on-premises business sign may be placed closer to the road reserve boundary than the ruling building line, subject to a building line relaxation being obtained in terms of the relevant Town Planning Scheme as amended from time to time.
- (12) An on-premises business sign may be illuminated.
- (13) An on-premises business sign shall not be animated in areas of maximum control.
- (14) An on-premises business sign shall not obstruct the view from any adjacent building.

40. TOWER, BRIDGE AND PYLON ADVERTISING SIGNS

- (1) No person may erect or display a tower, bridge or pylon advertising sign in a natural area, or an urban area of maximum control, or over a freeway in any area.
- (2) No one may erect or display a tower, bridge or pylon advertising sign in an urban area of partial or minimum control without first obtaining the written approval of the municipality, or if necessary the written approval of the South African National Roads Agency.
- (3) The maximum area of advertising sign on tower, bridge and pylon advertising signs per structure shall not exceed 36 square metres.
- (4) The clear height of a pylon advertising sign may not be less than 2,4m.
- (5) The clear height of a bridge sign shall not be less than 6m.
- (6) A sign shall not project more than 300mm from the main supporting structure.
- (7) No person may erect or display a tower, bridge or pylon advertising sign that is illuminated or animated except in an urban area of minimum or partial control, and then only if –
  - (a) it is not a safety hazard;
  - (b) it does not cause undue disturbance;
  - (c) the source of the illumination is concealed from oncoming traffic;
- (8) No person may attach an advertisement to a pylon unless the pylon is independently supported without the aid of guys, stays, brackets or other restraining devices, and is properly secured to an adequate foundation in the ground.
- (10) The sign shall form an integral part of the design of the structure.

41. ADVERTISEMENTS FOR SPONSORED ROAD TRAFFIC PROJECTS

- (1) A sign for sponsored road traffic projects may contain the name and the details of the project and the name(s), logo(s) and message(s) of the sponsor, which shall not exceed 20% of the area of the sign.
- (2) A sign for sponsored road traffic projects requires the specific consent of the municipality.

- (3) A sign for sponsored road traffic projects shall not exceed 4,5m<sup>2</sup> in area of sign and the total height of the sign shall not be more than 3m above ground level.
- (4) The municipality may approve conditionally or unconditionally, or reject proposals for sponsored road traffic projects at its discretion;
- (5) No advertisement for a sponsored road traffic project may be combined with or be attached to a road traffic sign;
- (6) No road traffic sign, or symbol used in any road traffic sign, may be used in an advertisement for a sponsored road traffic project;
- (6) An advertisement for a sponsored road traffic project may be displayed in a road reserve, but not on a road island;
- (7) An advertisement for a sponsored road traffic project may not be animated.

#### 42. ADVERTISING SIGNS AT EDUCATIONAL INSTITUTIONS

- (1) No person may erect a free-standing advertising sign at an educational institution without first obtaining the written approval of the municipality.
- (2) A free-standing sign at educational facilities and at institutions may indicate the name and nature of the facility or institution and the name of a sponsor/s.
- (3) A maximum total sign area of 18m<sup>2</sup> is allowed, provided that this area may be divided into panels of equal size, form and construction incorporated into one individual combination free-standing sign.
- (4) Only one individual free-standing sign shall be permitted per vehicle entrance.
- (5) Illumination of free-standing signs at educational facilities and at institutions will only be allowed with the specific consent of the municipality.
- (6) Free-standing signs at educational facilities and at institutions shall not, in the discretion of the municipality, in any way detrimentally affect the residential character and amenity of the neighbourhood or any other amenities of the area and / or the surroundings.
- (7) Only small billboards and tower structure which are "internally orientated" shall be permitted at educational facilities and at institutions.

#### 43. SERVICE FACILITY ADVERTISING SIGNS

- (1) No person may erect a service facility advertising sign without first obtaining the written approval of the municipality.
- (2) A service facility advertising sign may refer only to the name or logo of a business providing a service, and the type of service provided;
- (3) A service facility advertising sign must be locality-bound and may be erected or displayed only in service facilities adjacent to and directly accessible from national, provincial or urban roads at which the advertisement is directed. Only one such advertising sign per direction of traffic flow will be allowed;
- (4) No service facility advertising sign may exceed the following dimensions:

Natural areas and urban freeways	10m in height and 3m in width
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Other urban areas	7m in height and 2m in width
Rural areas	20m in height and 6m in width

- (5) The municipality may stipulate requirements for the positioning of the advertising sign;
- (6) A service facility advertising sign may not be animated, and illumination is allowed only while the services concerned are being provided;
- (7) No advertisement shall be allowed in a roadside service area except a service facility advertising sign permitted under these by-laws, unless used for internal direction and orientated and aimed at motorists within the facility;
- (8) No person may erect a service facility advertising sign within a road reserve without the approval of the municipality;
- (9) No person may erect a service facility advertising sign in the road median or on an island.

44. TOURISM SIGNS

- (1) No person may erect a tourism sign without first obtaining the written approval of the municipality.
- (2) Tourism signs is permitted in all areas of control;
- (3) Tourism signs may be displayed within all road reserves, except road medians and road island;
- (4) Tourism signs must have a distinctive white and brown colour and must use symbols according to the specifications in terms of the Road Traffic Signs Manual and the Road Traffic Act (Act 93 of 1996);
- (5) Only one tourism sign may be erected at only the nearest intersection to the tourist facility within urban areas, subject to (6);
- (6) No tourism sign is permitted at an intersection with a major arterial road as classified by the relevant roads authority;
- (7) Tourism signs shall be erected by the municipality or by any other relevant authority at the cost of the applicant.
- (8) Tourism signs will only be approved if the institution is zoned for such use or if written consent use has been obtained from the municipality.

45. AERIAL ADVERTISEMENTS

- (1) No person shall display an aerial advertisement in a natural or a rural area.
- (2) An aerial advertisement may not be illuminated or animated, except that an airship may be illuminated;
- (3) With the exception of a moored airship, an aerial advertisement may be displayed only in daylight hours;
- (4) No aerial advertisement shall be displayed for a period exceeding two weeks in any calendar year;
- (5) Any requirement or conditions prescribed by the Department of Civil Aviation must be adhered to.

## 46. TRAILER ADVERTISING

- (1) Trailer Advertising, whether stationary or not, is not permitted in the municipal area.

## 47. PAMPHLETS

- (1) The distributing company shall register with the municipality before being allowed to distribute pamphlets.
- (2) A registration fee as determined from time to time by the municipality is payable annually.
- (3) The distributing company shall upon registration provide a list of clients that intends to advertise by means of the distribution of pamphlets in the municipal area.
- (4) Pamphlets may only be distributed in post boxes at residential dwelling units or parked vehicles at demarcated parking spaces.
- (5) No one may distribute pamphlets to motorists in the moving traffic within public roads.
- (6) No pamphlets may be distributed in natural areas including Marloth Park.

## 48. PROHIBITED SIGNS

- (1) Any sign type not covered by these by-laws shall be regarded as an illegal sign unless the specific consent of the municipality has been obtained;
- (2) No person shall erect or display any of the following signs or causes or allow any such sign to be erected or displayed:
  - (a) Any animated or flashing sign the frequency of the animation or flashes or other intermittent alterations of which disturbs the residents or occupants of any building or is a source of nuisance to the public;
  - (b) Any swinging sign;
  - (c) Any moveable or transit sign, or trailer advertising sign, whether stationary or not;
  - (d) Any poster pasted onto supporting columns, pillars or any poster pasted otherwise than on a hoarding legally erected for the purpose of accommodating such poster;
  - (e) Super billboards;
  - (f) Sky signs;
  - (g) The distribution of pamphlets at road intersections;
  - (h) Any sign to be suspended across a street;
  - (i) Street pole ads for advertising of commercial products, services or events by means of pavement posters and notices attached to electrical light poles;
  - (j) Combination industrial signs within road reserves;
  - (k) Advertising signs on land situated in an area of maximum control, except where otherwise provided for in terms of these by-laws;
  - (l) Any permanent sign of which the maximum display period has expired;
  - (m) Gantry billboards, except the gantry billboards erected in terms of Section 12 (8).

**PART D: GENERAL PROVISIONS**

## 49. APPROVAL BY MUNICIPALITY

- (1) Any application for approval required by these by-laws must be made by completing the prescribed application form and lodging the completed form with the application fee determined by the municipality from time to time;
- (2) The municipality may refuse to consider an application where the relevant form has not been completed properly or the relevant fee has not been paid;

- (3) An application in terms of subsection (1) must be signed by the owner of the proposed structure or device upon which the advertising sign will be displayed and by the owner of the land on which it is to be erected or displayed, or by the agent of such persons authorised in writing, and must be accompanied by any additional information or documents requested by the municipality;
- (4) The municipality, when granting approval for any advertising sign, or structure upon which an advertisement is to be displayed in an urban area, must make its approval conditional on the applicant also obtaining the approval of any other relevant authority;
- (5) The municipality may grant approval subject to conditions, which must be complied with by the owner of the advertisement, the owner of the structure upon which an advertisement is to be displayed, the person or persons who erect or display it, the owner of the land on which it is displayed or erected and any occupier or other person in charge of such land;
- (6) Where the municipality has granted approval for the erection or display of an advertisement, the advertisement may not be moved or re-erected nor shall any alteration be made to the electric wiring system thereof, except for the purpose of maintenance, without first obtaining the further written approval of the municipality;
- (7) Approvals granted in terms of these by-laws may be renewed after expiry of the period for which the approval was granted by-
  - (a) making application for such renewal to the municipality;
  - (b) lodging the application form with the renewal fee determined by the municipality;
- (8) The municipality may reject an application for renewal of an approval that does not comply with subsection (7);
- (9) Where an approval has so lapsed, application may be made afresh on compliance with subsections (1),(2) and (3);
- (10) The owner of the land on which an advertising sign is erected or displayed in terms of an approval obtained under this by-laws, must retain certified copies of all documentation relating to the application and the approval issued by the municipality and any renewal thereof for as long as the advertising sign is erected or displayed, and must present it to any person authorised by the municipality on request. The owner of the advertising sign, if not also the owner of the land, must provide the owner of the land with certified copies of all relevant documentation;
- (11) Approvals granted by the municipality in terms of these by-laws shall be additional to, and not in substitution of, consent or approval required by any other law;
- (12) The municipality may withdraw any approval given under this by-laws where the relevant advertising sign does not or ceases to comply with these by-laws, or a condition imposed in such approval has not been complied with.;
- (13) In respect of temporary advertisements applied for in terms of Section 16, 17 and 23, welfare organisations, schools, churches, government and semi-government structures as well as organisations organising large community events that has an economic benefit for the municipal area, may by means of a written application to the municipality, only pay 50% of the prescribed application fees and the applicable deposit.

50. REFUSAL, WITHDRAWAL OR AMENDMENT OF APPROVAL AND APPEAL PROCEDURE

- (1) The municipality may refuse, withdraw or amend at any time an approval if in the opinion of the municipality-

- a) it will be or becomes detrimental to the environment or the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or materials or for any other reason;
- b) it will constitute or becomes a danger to any persons or property;
- c) it will obliterate or obliterates other signs, natural features, architectural features or visual lines of civic or historical interest.
- d) it will be in its content objectionable, indecent or suggestive of indecency or prejudicial to the public morals.
- e) it will be or becomes illegal as a result of the changing urban structure.

(2) Appeal procedure

- a) Any person may appeal to municipality against any decision of the municipality in terms of these by-laws, given by an official of the municipality under delegated powers, within 30 days of receipt of notice of such decision.
- b) Such appeal shall be made by lodging a notice setting out the nature and grounds of the appeal within the period contemplated in subsection (a) with the municipality.
- c) The municipality shall hear the appeal including any oral or written submission from either party, and inform the applicant of its decision, which shall be final, and the reasons therefor.

- (3) The criteria for the final decision of the municipality will be based on the guidelines and requirements and conditions in terms of municipal policy.

51. ERECTION AND MAINTENANCE OF ADVERTISING SIGNS

- (1) The provisions of the National Building Regulations made in terms of the National Building Regulation and Building Standards Act, 1977 (Act 103 of 1977) shall apply *mutatis mutandis* to every sign, advertisement hoarding and its supporting structure;
- (2) The municipality may, if in its opinion an emergency exists, instead of serving a notice, itself carry out or appoint a contractor to carry out the removal of a sign or do other work which it may deem necessary and may recover the cost thereof from the owner of the sign or owner of the land on which it is displayed or erected;
- (3) No person shall intentionally, in the course of erecting or removing any sign, advertising hoarding, poster or banner cause any damage to any tree, electric standard or service or other municipal installation or property;

52. TRANSITIONAL PROVISIONS

- (1) Any advertising sign that was erected or displayed on the date of commencement of these by-laws that is prohibited by these by-laws, and is not an advertising sign for which the municipality may grant approval, must be removed within 90 days of such date of commencement;
- (2) Where an advertising sign has been erected or displayed on the date of commencement of these by-laws, which, in terms of these by-laws, may not be so erected or displayed without the approval of the municipality or another authority, the owner of the advertising sign must apply to the municipality or the other authority, as the case may be, for such approval, within 90 days of such date of commencement, failing which the advertising sign must be removed forthwith. No such application may be made in respect of an advertising sign contemplated in subsection (1);
- (3) If approval for an advertising sign contemplated in subsection (2) has been refused, the owner must remove it within 30 days of receipt of notification of such refusal. Where such a notification has been posted by registered post, the owner will be deemed to have received it eight days after posting thereof;



- (4) All approved signs already in existence on the publication of these by-laws shall within a period of one(1) year after such promulgation, be removed or corrected to comply with the said by-laws.

53. ENTRY AND INSPECTION

- (1) The municipality shall be entitled, through its duly authorised officers, to enter into and upon any premises, at any reasonable time for the purposed of carrying out any inspection necessary for the proper administration and enforcement of the provisions of these by-laws.

54. OFFENCES

- (1) Any person who:
- (a) contravenes or fails to comply with any provision of these By-laws;
  - (b) contravenes or fails to comply with any requirement set out in a notice issued and served on a person in terms of these by-laws;
  - (c) contravenes or fails to comply with any conditions imposed in terms of these By-laws;
  - (d) knowingly makes a false statement in respect of any application in terms of these By-laws;

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding R5000,00 or, in default of payment, to imprisonment for a period not exceeding twelve months, and in the case of a continuing offence to a fine not exceeding R 500,00 for every day during the continuation of such offence, and for a second or subsequent offence shall be liable on conviction to a fine not exceeding R 1500,00 per day or in default of payment, to imprisonment for a period not exceeding three months.

55. RESPONSIBLE PERSONS

- (1) If any person charged with an offence referred to in section 53, relating to any sign, advertising board or poster:
- (a) It shall be deemed that such person either displayed such sign, advertising hoarding or poster or caused or allowed it to be displayed;
  - (b) The owner of any land or building on which any sign, advertising hoarding or poster was displayed, shall be deemed to have displayed such sign, advertising hoarding or poster, or caused or allowed it to be displayed;
  - (c) Any person who was either alone or jointly, with any other person responsible for organising, or was in control of any meeting, function or event which a sign or poster relates, it shall be deemed to have displayed every sign or poster displayed in connection with such meeting, function or event to have caused or allowed it to be displayed;
  - (d) Any person whose name appears on a sign, advertising hoarding or poster shall be deemed to have displayed such sign, advertising hoarding or poster or to have displayed, unless the contrary is proved.

56. REMOVAL OF SIGNS OR ADVERTISING HOARDINGS

- (1) If any sign or advertising board is displayed so that in the opinion of the municipality it is detrimental to the environment or to the amenities of the neighbourhood, or otherwise in contravention of these By-laws, the municipality may serve a notice on or may instruct the owner of the sign or advertising hoarding to remove such sign or advertising board or carry out such alteration thereto or do such other work as may be specified by the relevant official of the municipality within a specified time;
- (2) If a person fails to comply with a request referred to in subsection (1), the municipality may remove such a sign or advertising board;

- (3) The municipality shall in removing a sign or board contemplated in subsection (1), not be required to compensate any person in respect of such sign or advertising hoarding, in any way for loss or damage resulting from this removal;
- (4) Any costs incurred by the municipality in removing a sign or advertising board, in terms of subsection (2) or in doing alterations or other works in terms of this section will be recovered from the person contemplated in subsection (1). If a deposit has been paid in respect of such sign or board the costs may be deducted from the deposit;
- (5) Notwithstanding the provisions of subsection (1), (2), (3) and (4) above, the municipality itself shall, without serving any notice, carry out the removal of such sign or advertising board;
- (6) The municipality shall charge a poundage for such signs that were removed in terms of this section;
- (7) A poundage fee mentioned in subsection (6) shall be payable to the municipality per sign per working week (Monday to Friday) or part of the week;
- (8) The municipality shall destroy such signs that were removed in terms of this section, within one week after such removal, should the owner of such sign fail to claim such sign or pay the poundage in terms of subsection (6).
- (9) The actual expense the municipality incurred during the removal of signs in terms of this section shall be payable by the owner of such signs to the municipality.

57. SERVING OF NOTICES

Where any notice or other document is required by these by-laws to be served on any person, it shall be deemed to have been properly served personally on him or on any member of his household apparently over the age of sixteen years or at his place of residence or on any person employed by him at his place of business, or if sent by registered post to such person's residential or business address as it appears in the records of the municipality, or if such person is a company, if served on an officer of that company at its registered office or sent by registered mail to such office.

58. REPEAL OF PREVIOUS BY-LAWS

All previously promulgated by-laws regarding advertisement signs for any area in Nkomazi, are hereby repealed.

**S.M. SHABANGU**  
**MUNICIPAL MANAGER**  
**NKOMAZI MUNICIPALITY**

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