



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

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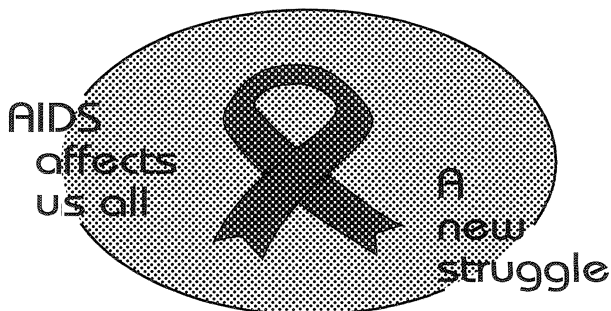
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**PIETERMARITZBURG,**

4 JULY 2013  
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**No. 979**

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



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**MUNICIPAL NOTICE**

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**No. 67****4 July 2013**

ADVERTISING  
KWADUKUZA MUNICIPALITY  
BYLAWS RELATING TO ADVERTISING

The KwaDukuza Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the Local Government: Municipal Systems Act (Act 32 of 2000) hereby publishes the bylaws as set forth hereafter as bylaws made by the Municipality which bylaws will come into effect on the first day of the month following the date of publication hereof.

CHAPTER 1  
INTERPRETATION

1. Definitions

For the purpose of these bylaws, unless the context otherwise indicates:

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

"Advertising signage structure" means any physical structure built to display advertising

"Advertising vehicle" means a vehicle which has been constructed or adapted for use primarily for the display of advertisements;

"Aerial advertisement" means any advertisement displayed or made in the air by the use of a balloon, kite, inflatable, aircraft aeroplanes, kites balloons, rockets, fireworks, micro-lights or by any other means;

"Aesthetics Committee" means the Aesthetics Committee of the Municipality established in terms of chapter 10 of these Bylaws.

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

"Applicant" means, in the case of Locality Bound Advertising, the person by whom an application for permission to erect a sign or display an advertisement is made, which application shall be endorsed by the owner of the premises upon which such advertisement or sign is to be located and, in the case of Non Locality Bound Advertising, the registered owner of the property upon which the advertisement or sign in respect of which an application is made is to be located.

"Application" in relation to advertising sign/s may include all proposed advertising signs

"Appropriate" means that the dimension, installation, materials, place and/or supports are suitable for and appropriate in all circumstances of the case in the opinion of the Council or the Authorised Officer

"Approval" means approval by the Council or the Authorised Officer in terms of authority delegated by the Council in terms of these Bylaws

"Area of control" means the degree of control to be applied to a certain landscape or part thereof which is a refinement of basic landscape sensitivity and includes those areas as defined and set out as maximum, partial or minimum control in the Council's Policy on Outdoor Advertising, in accordance with the visual sensitivity of the area and traffic safety conditions

"Authorised Officer" means an official authorised as delegated by council to administer and/or implement these Bylaws

"Banner" means a piece of cloth or similar material on which an advertisement is displayed in such a manner that it is legible in windless conditions and is attached to one or more ropes, poles or a flagstaff that projects vertically, horizontally or at any angle from the building or structure to which it is attached or is attached to a building or other structure, but excludes a banner carried as part of a procession

"Billboard" means any screen, board, hoarding, fence, wall or other free standing structures used or intended to be used for the purpose of posting, displaying or exhibiting any remote advertisement

"Bit" means the basic unit for measuring the length of advertising messages and may consist of letters, digits, symbols, logos, and graphics of abbreviations. Every 5 letters or numbers (digits) shall be counted as one bit of information and every symbol or logo as half a bit of information.

"Canopy" means a rigid roof-like projection from the wall of a building

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

"Change of face" means an alteration of the content of the advertisement displayed on an approved signage structure

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

"Council" means the Council of the KwaDukuza Municipality as reflected in current legislation, or its legal successor, or any committee designated by the Council, acting by virtue of a delegated authority vested in him/her or it by the Council in connection with these Bylaws

"Combination sign" means a single free-standing advertising structure for displaying information on more than one enterprise and services at locations such as roadside service areas, urban shopping centres and other urban complexes

Composite sign means a sign linked to a standardised background of a specific size similar to a poster board on which logos or other tourist-related information can be attached

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

"Depth" in relation to a sign means the vertical distance between the uppermost and lowest edges of such sign;

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

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

"Designated areas" are areas of maximum, partial or minimum control that shall be designated in the policy for the display of various types of advertising signs as amended from time to time

"Display" means to erect and/or expose an advertising sign, image or structure to the public view by any method whatsoever.

"Display window" means a unit of fenestration filled with glass, polycarbonate or other suitable glazing material which is in an external wall of the basement storey, ground storey or mezzanine storey of a residential building or shop and which faces a street or public place;

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

"Electronic Sign" means a sign that has an electronically controlled, illuminated display surface which allows the advertisement to be changed, and animated or illuminated in various ways.

"Encroaching sign" means a sign or portion of a sign which extends over Council property

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

"Estate agents' board or show sign" means an advertisement displayed on a sign which is erected on property belonging to or vested in the Municipality and which displays only the name of the selling agent, the words "show house" or "open house" or other words indicating that a house or flat for sale is on view, and an arrow indicating the route to such house or flat, and such other information as the Authorised Officer may approve;

"Event" means an occasion organized for the general public;

"Fascia advertisement" means an advertisement which is directly displayed or painted on the front of a canopy or veranda beam;

"Fascia sign" means a sign which is directly affixed to the front or sides or both the front and one or more sides of a canopy or veranda beam

"Flag" means an advertisement or sign displayed on a cloth, canvas, PVC or like material which is attached to a staff or pole with no rigid fixings

"Flashing advertisement" means an electric advertisement which intermittently appears and disappears as a result of the electric current being successively switched on and off or for some other reason;

"Gantry sign" a gantry is a structure which is mounted on both sides of a road surface within the road reserve or on private property adjacent to the road reserve. A cantilever gantry is a structure mounted with an overhang onto a road, erected within the road reserve only on the median of a divided dual carriageway. An advertisement is affixed to the structure so as to be visible for traffic passing underneath the structure

"Gore" means the point at which the left edge of the main road meets the right edge of an on-ramp or off-ramp at an interchange

"Ground sign" means a self-supporting sign embedded and fixed in the ground and which is not attached to a building or a wall;

"Illuminated advertisement" means an advertisement which is illuminated by any means whatsoever, including electrical current, or is otherwise made luminous;

"Information Sign" means a very legibly printed and very noticeable board that informs people of the purpose of an object, or gives them instruction on the use of something.

"Length" means the horizontal measurement of a sign from one end to the other;

"Locality-Bound Sign" means a sign displayed on a specific premises or site, which refers to an activity, product or service located on the premises or site

"Municipality" means the KwaDukuza Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any Official who has delegated powers in terms of Section 59 of the Local Government Municipal Systems Act (Act 32 of 2000);

"Natural landscape" means relatively unspoilt areas outside urban areas such as natural parks, game reserves, nature reserves, marine reserves, wilderness areas and extensive agriculture and scenic corridors.

"Non-Locality Bound Sign" means that the content of such advertisement is unrelated to any activity, product or service being undertaken on the premises or site on which such advertisement is displayed

"Non-profit organisation" is an organisation established to promote social goals without the personal financial gain of any individual or profit making commercial organisation involved, which has obtained the relevant certificate from National Government

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

"Outdoor Advertising Policy" means the policy adopted by the Council to regulate and control outdoor advertising within the Municipality's area of jurisdiction

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

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

"Pamphlet" means any pamphlet, hand brochure or book, the object of which is to advertise or to introduce anything;

"Peace Officer" means a law enforcement officer, which may include a variety of positions responsible for enforcing laws, such as police, probation officers

"Permanent sign" means a sign that may be displayed for a period of a maximum 5 (five) years or any other period approved by the relevant controlling authority

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

"Posters" means any placard intended to be temporarily displayed in a street or public place as an announcement of a meeting, function or event

"Premises" means any building together with the land on which such building is situated

"Private Seller" means any person who offers property for sale on his or her behalf;

"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 sign which is affixed at right angles to a wall of to a building and protrudes the whole of which sign projects more than 300mm from the wall of such building and which is not a sky sign;

"Public road" includes all roads, which are owned by, vests or is under the control of the municipality, provincial or national government and to which the general public has access to

"Public place" includes all property, whether movable or immovable, which is owned by, vests in or is under the control of the Municipality, Local or National Government and to which the public has access

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

"Return wall" means any external wall of a building, or any other wall, which faces any boundary, other than a street façade line, of the premises upon which such wall is situated

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

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

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

"Road verge" means the section between the boundary of the property and the roadway of any street, road or thoroughfare shown on the general plan of a township, agricultural holding or other division of land in respect of which the public have acquired a prescriptive or other right of way, and any other word or expression to which a meaning has been assigned in the Road Traffic Act, 1996 (Act 93 of 1996), shall have that meaning;

"Roof sign" means a sign on the roof of a building lower than six storeys and which building is used for commercial, office, industrial or entertainment purposes only

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

"Sandwich board" is a portable, double-sided, free-standing, vertically displayed sign standing on the ground;

"Scaffold" means any temporary elevated platform and supporting structure used for providing access to and supporting workmen or materials or both;

"Selling agent" means any person who offers property for sale on behalf of another;

"Sign" means any signboard, structure, device or thing intended or adapted for the display of any advertisement and includes that portion of a building on or onto which and advertisement is painted, written or projected;

"Signalised traffic intersection" means an intersection controlled by traffic lights

"Sky sign" means a sign erected or placed on or above the parapet or any portion of the roof of a building and a sign any portion of which extends above such parapet or portion of roof but excludes a sign painted on the roof of a building; on top of a skyscraper higher than six storeys located within the municipal area and which forms an important landmark

"Specific consent" means the written approval of the Council and any other relevant Provincial or National Government which requires a submission of a formal application

"Street" excludes an arcade which is wholly within one or more buildings

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

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

"Systems Act" means the Local Government: Municipal Systems Act, No. 32 of 2000 (As amended)

"Temporary sign" means any sign or advertisement displayed for a temporary period at the discretion of the KwaDukuza Municipality

"Thickness" means the horizontal dimension measured through a sign at right angles to the length;

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

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

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

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

"wall sign" means a sign, other than a projecting sign which is directly attached to an external wall of a building, or on a wall external to and not part of a building;

"Yellow line break point" means the point at which the yellow left edge line on a main road meets with the continuity line at an on-ramp or off-ramp at an interchange

"Zone" means an area or a region distinguished from adjacent parts by a distinctive feature or characteristic

## CHAPTER 2 GENERAL CONDITIONS AND PRINCIPLES

The conditions and principles contained in this subsection are relevant to all sign types with certain exceptions as indicated.

### 2.1 AMENITY AND DECENCY

- (a) No sign, as permitted by the bylaws, shall in the opinion of the Authorized Officer –
- (i) Be detrimental to the environment or to the amenity and local character of a human living environment by reason of size, shape, colour, intensity of illumination, quality of design or materials or for any other reason;
  - (ii) Unreasonably obscure, partially or wholly, any sign owned by another person previously erected and legally displayed; or
  - (iii) Be in its content objectionable, indecent or suggestive of indecency or prejudicial to the public morals.
- (b) No sign or advertisement shall be displayed if deemed unacceptable by the Advertising Standards Authority of South Africa (ASA).

### 2.2 SAFETY

- (a) No advertisement or advertising structure, as permitted by Bylaws, –
- (i) Shall in the opinion of the controlling authority constitute a danger to any person or property
  - (ii) Shall in the opinion of the roads municipality or its authorized authority be so placed or contain an element which distracts the attention of drivers in a manner likely to lead to unsafe driving conditions;
  - (iii) shall in the opinion of the roads authority be illuminated to the extent that it causes discomfort to or inhibits the vision of approaching pedestrians or drivers;
  - (iv) shall be attached to a road traffic sign or signal, combined with a road traffic sign or signal [unless specifically provided for in the Southern African Development Community Road Traffic Signs Manual (SADC-RTSM) or the South African Road Traffic Signs Manual (SARTSM)], 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 roads authority;
  - (v) shall in the opinion of the roads authority 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;
  - (vi) shall project over a pedestrian or cycle circulation route, unless the clear height of such sign exceeds 2,3 m;
  - (vii) shall obstruct any fire escape or the means of egress to a fire escape or obstruct or interfere with any window opening required for ventilation purposes;
  - (viii) shall exceed the minimum clearance with regard to overhead power lines as prescribed in regulation 15 of the Electrical Machinery Regulations (GN R1593 in GG. 11458 of 12 August 1988 as amended). (Permission must be obtained from the relevant supply authority before any advertising structure may be erected in a power line servitude);
  - (ix) shall, if affixed or attached, be affixed or attached in any way that may constitute a danger to the public.

- (b) Signs or advertisements positioned along roads and specifically targeting the road user shall be concise and legible and shall comply with the following requirements:
- (i) No sign displaying a single advertisement or message shall exceed 10 "bits" of information. No combination sign or any other sign displaying more than one advertisement or message shall contain more than 6 "bits" of information per enterprise, service or property or per individual advertisement or message displayed on a combination sign. Every 5 letters or numbers (digits) shall be counted as one bit of information and every symbol or logo as half a bit of information.
  - (ii) All street numbers indicating specific premises shall have a minimum size of 200 mm and a maximum size of 500-750 mm.
  - (iii) No message shall be spread across more than one sign or sign panel.
- (c) The colours red, amber or green shall not be displayed on any advertisement or sign which is positioned within the line of sight of any traffic signal aspect, if viewed from a distance where the relevant aspect should be conspicuous, as required in Volume 3 of the South African Road Traffic Signs Manual.

### 2.3 DESIGN AND CONSTRUCTION

- (a) Any sign, as permitted by the Bylaws –
- (i) Shall, in the opinion of the controlling authority, be neatly and properly constructed and executed and finished in a workmanlike manner;
  - (ii) Shall, in the opinion of the controlling authority, not be detrimental to or have a negative aesthetic impact on the urban design, streetscape or the character of the surrounding area by way of the design of the structure or device;
  - (iii) Shall, in the opinion of the controlling authority, 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, vinyl, cardboard, paper or synthetic cardboard should be used only when essential to the nature and function of a particular sign;
  - (iv) Shall, in the opinion of the controlling authority, not deface building facades with electrical services provisions and other accessories;
  - (v) Shall in the opinion of the controlling authority, have a neat and professional appearance in terms of advertisement content and sign writing (untidy handwritten messages should be not be allowed);
  - (vi) Shall, in the opinion of the controlling authority, be rigidly and securely attached, supported or anchored in a safe manner and so that unwanted movement in any direction is prevented;
  - (vii) Shall 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;
  - (viii) Shall 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;
  - (ix) Shall, when attached to conservation-worthy buildings, be attached with the necessary expert advice in order to prevent damage to such buildings;
  - (x) Shall, if painted, be painted with weatherproof paint of good quality.
- (b) Any advertiser or media owner –
- (i) shall 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;
  - (ii) shall not use wire or nails to attach a sign;
  - (iii) shall have all exposed metalwork of any sign painted or otherwise treated to prevent corrosion and all timber treated to prevent decay; and
  - (iv) shall have measures taken to prevent the entry of water into and the accumulation of water or moisture on or in any sign or any part of its supporting framework, brackets or other members.
- (c) Glass
- (i) All glass used in signs (other than glass tubing used in neon and similar signs) shall be safety glass at least 3 mm thick.
  - (ii) Glass panels used in signs shall not exceed 0,90 m<sup>2</sup> in area, each panel being securely fixed in the body of the sign, structure or device independently of all other panels.
- (d) Electrical
- (i) Every illuminated sign and every sign in which electricity is used –



- (aa) shall have power cables and conduit containing electrical conductors positioned and fixed so that they are not unsightly in the opinion of the controlling authority;
  - (bb) shall be constructed of material which is not combustible;
  - (cc) shall be provided with an external switch in an accessible position whereby the electricity supply to the sign may be switched off; and
  - (dd) shall be wired and constructed in accordance with and subject to the provisions of the controlling authority's electricity supply by-laws and any other legislation applicable to electric signs.
- (ii) All signs that could interfere with radio or television reception must be equipped with suppressors that eliminate all forms of interference.
- (iii) On all electrical signs and illuminated signs, consumption fee will be charged as determined in the municipal tariffs of charges.

(e) Damage to Property and Vegetation

- (i) 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.
  - (ii) Media owners will accept responsibility for all trees within the line of sight of signs or advertising structures. If any such trees are removed, cut down or trimmed down without the permission of the controlling authority, the relevant media owner will be responsible for replacing it in accordance with specifications laid down by the controlling authority.
- (f) The construction of any sign as permitted by Bylaws shall be done in accordance with the *Construction Regulations* (GN R1010 in GG 25207 of 18 July 2003)

#### 2.4 MAINTENANCE

(a) Any sign, as permitted by the Bylaws –

- (i) Shall be serviced on a regular basis; and
  - (ii) Shall be maintained in good repair and in a safe, clean and neat condition and according to the highest standards as regards quality of structures, posting, sign writing and general sign content.
- (b) 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.
- (c) The maintenance of any sign and the replacement of any sign contents shall be done in accordance with these bylaws

#### 2.5 POSITION AND LOCATION

- (a) Signs within road reserves (including site boundary signage) shall be restricted to the absolute minimum. The following principles shall be applied in this regard:
- (i) In order to prevent advertising clutter and information overload within the immediate road environment, which may compete with road signs and signals, masses of smaller signs should be avoided by allowing a limited number of acceptable signs of larger proportions instead.
  - (ii) If the display of any advertisement or sign within a road reserve, is not in the general interest of the public, traffic safety principles will dictate whether such as sign can be allowed or not.
- (b) Restricted areas at street corners should be seen as the most sensitive areas in terms of road safety and the consideration of any sign in such areas shall take place with the greatest of discretion of the Authorized Officer.

### CHAPTER 3

#### DIFFERENT SIGN TYPES AND APPLICATIONS FOR APPROVAL

#### 3. Permanent or fixed advertisements or signs

- (a) Subject to the provisions of these bylaws and any other applicable law, no person shall erect, alter, display or maintain or cause or permit to be erected, altered, displayed or maintained any permanent or fixed advertisement or sign which is visible to the public except under or in accordance with the prior written approval of the Authorized Officer.

- (b) No person shall erect, alter, display or maintain or cause or permit to be erected, altered, displayed or maintained any permanent or fixed audio advertisement that can be heard in any street or public place, except under and in accordance with the prior written approval of the Authorised Officer.

4. Application for approval (Permanent or fixed advertisement or sign)

4.1 Every person intending to display, erect, alter or maintain any permanent or fixed advertisement or sign for which the prior written approval of the Authorised Officer is required in terms of the bylaws, other than a sign to which bylaw 2 applies, shall apply for such approval on a prescribed form obtainable from the office of the Authorised Officer and upon payment of such fee as may be prescribed by the Council by resolution from time to time and subject to compliance with the criteria applicable to the specific sign type under which such criteria is stipulated in the clause of the bylaws.

4.2 The Council may require the submission of additional drawings for the applicable sign types, calculations and other information and a certificate by a person defined in Clause 1 of the Engineering Profession of South Africa 1990 (Act No. 114 of, 1990) as a certified engineer, engineering technician, professional engineer or professional technologist (engineering), in each case giving details to the Council's satisfaction, to enable it to establish the adequacy of the proposed means of securing, fixing or supporting any advertising sign, hoarding or screen referred to in the application form, to resist all loads and forces to which the advertising sign, hoarding or screen may be exposed and the sufficiency of the margin of safety against failure, in compliance with the provisions of Regulation B1 of the National Building Regulations published under Government Gazette No. 9613, dated 1 March 1985.

4.3 Billboards

4.3.1 Subject to the provisions of sub-bylaw 4.1, an application for the erection of a billboard advertisement must be accompanied by –

- (a) an Environmental Impact Assessment report, provided that the Authorised Officer shall have the discretion to dispense with the requirement for an Environmental Impact Assessment report in the case of any billboard not exceeding 36m<sup>2</sup> in size; and
- (b) such additional documentation as may be necessary to satisfy the Authorised Officer that the billboard applied for will be in full compliance with the applicable criteria as stipulated in sub-law 4.3.

4.3.2 The display or erection of a billboard shall be permitted only in areas of minimum control specified in the council's approved outdoor advertising policy, as well as in urban areas of partial control at the discretion of the Authorised Officer, subject to such specific consent and assessment of its environmental impact as may be required by the Authorised Officer, which shall include the visual, social and traffic safety aspects.

4.3.3 Any non-locality bound billboard must be clearly and visibly identified in terms of its ownership.

4.3.5 Any billboard in respect of which an application is granted by the Authorised Officer in terms of these bylaws shall –

- (a) comply with all legal requirements of the South African National Roads Agency Limited and Road Traffic Act, where applicable;
- (b) comply with any other applicable National, Provincial or Local Government legislation and policy, including these Bylaws and the Outdoor Advertising Policy;
- (c) not be erected within an area of maximum control unless, after an Environmental Impact Assessment and public participation process, the Council identifies that such area, subject to terms and conditions as it may impose, may be reclassified as an area of lesser control, which may not be relaxed further than the control type in the area adjacent to the site in question;
- (d) not be detrimental to the nature of the environment in which it is located by reason of scale, intensity of illumination or design;
- (e) not unreasonably obscure partially or wholly any approved sign previously erected and legally displayed;
- (f) not constitute a danger to any person or property;
- (g) not be in its content objectionable, indecent or insensitive to any sector of the public;
- (h) not encroach over the boundary line of the property on which it is erected;
- (i) not be erected if considered by the Council, Provincial or National Government to be a distraction to drivers, cyclists or pedestrians which could contribute to unsafe traffic conditions;

- (j) be so placed to screen unsightly premises and not to detract from the amenities of the neighbourhood by reason of their appearance or the use to which they are put;
- (k) be spaced 120m; 200m or 250m apart on either side of the road/s or freeways, where the speed limit is lesser or equal to 60km/h; 61 to 80km/h or 81 to 100km/h, respectively;
- (l) not be erected within a distance of 50m from the nearest edge of an intersection on a lower order road and 100m from the nearest edge of an intersection on an arterial road;
- (m) not be erected within 50m from the on and off-ramps of public roads and from overhead traffic directional signs;
- (n) not have an overall height in excess of 7m in landscape format or 12m in portrait format above the surface of the natural ground level or of the road level to which it is aimed;
- (o) not have an area in excess of 64m<sup>2</sup> in the case of ground signs and 54m<sup>2</sup> in the case of wall signs;
- (p) have a maximum of 6 bits of information and a minimum lettering height of 500mm;
- (q) not have as its main colours, red, amber or green when located at signalised traffic intersections and shall not obscure or interfere with any road traffic light or sign;
- (r) not constitute a road safety hazard or cause undue disturbance or permitted to be illuminated if such illumination, in the opinion of the Council, constitutes a road safety hazard or causes undue disturbance; and
- (s) ensure that the traffic flow is not impeded on public roads during its erection or servicing, unless prior permission from the Council has been obtained and the necessary precautions taken and arranged.

4.3.6 The approval of a billboard shall be recommended by the Aesthetics Committee and approved by Council

#### 4.4 Ground signs

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

4.4.2 On site, locality bound freestanding ground signs in the form of business signs and tower structures shall be permitted, provided that such sign –

- (a) shall be restricted to only one sign per site per street frontage, unless otherwise permitted by the Council in its discretion; and
- (b) must not –
  - (i) exceed 7m in overall height and 6m<sup>2</sup> in total area;
  - (ii) have a clear height of less than 2,4m;
  - (iii) exceed 12m<sup>2</sup> (measured as total height x total width of the advertising structure) when such sign is a combination sign; and
  - (iv) contain advertising matter other than exclusively directional on more than 50% of the area of any face thereof.

4.4.3 A remote, non-locality bound ground sign which does not have an overall height in excess of 7m above the ground at any point nor dimensions which exceed 6m in length and 3m in height, a total area of 18m<sup>2</sup> per face, shall be deemed to be of appropriate dimensions; provided that a ground sign which has greater dimensions shall not be erected unless, in the opinion of the Council, such sign screens premises which detract or are likely to detract from the amenities of the neighbourhood by reason of their appearance or the use to which they are put. Any area between such ground sign and the street line shall be grassed or otherwise ornamented at the expense of the applicant to the satisfaction of the relevant Authorized Officer.

4.4.4 Any sign erected on a monopole shall be appropriately designed so that, in the opinion of the Council, the height of the support is proportionally not too long in relation to the size of the sign.

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

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

4.4.7 Bed and Breakfast (B&B) Signs

For the purpose of this clause such sign shall only have the name of the B&B or Guest House operating on that site. Such sign shall be restricted to one per street frontage (on the boundary of the property) with a total area of 1m<sup>2</sup>. The sign shall be 1.5m above the ground. The font to be used shall be Times New Roman, word colour shall be Black and the board shall be Orange, accent 6, 25% darker with a black boarder line.

4.5 PYLON SIGNS

4.5.1 For the purpose of this clause, every pylon shall be independently supported and be properly secured to an adequate foundation in the ground and be entirely self supporting without the aid of guys, stays, brackets or other restraining devices.

4.5.2 The dimensions of a pylon and its associated pylon sign shall be such that the entire assembly, whether stationary or actuated, can be contained wholly within a notional vertical cylindrical figure having a diameter of 5m and a height of 8m or such dimensions as the Council may require.

4.5.3 No activated or protruding part of a pylon or of a pylon sign shall be less than 2.4m above the highest point of the existing ground level immediately below such pylon or sign or such other height as the Council may require.

4.5.4 The Council may consider on merit a request by the owner of a property which adjoins Council road reserve to erect a pylon solely for the display of the name of the business/es conducted at that particular property. This will be subject to an encroachment agreement being signed with the Council, setting out the period and fee payable and subject to Council being indemnified against any claims.

4.5.5 No pylon signs shall be allowed in areas that are predominantly of a residential nature or in areas of maximum control or as stipulated in council's approved outdoor advertising policy.

4.5.6 A pylon shall be permitted for service stations and shall not consist of more than 8 advertising panels of 4, 5 m2 each in total area.

4.5.7 A pylon for a service station shall only be permitted within the property boundary.

4.6 WALL SIGNS

4.6.1. Where a wall sign is shaped in the form of a flat sign, such sign shall –

- (a) at no point project more than 300mm from the surface of the wall to which it is attached. The maximum projection of any part of a flat sign shall be 180mm where the underside of such sign measures less than 2,4m from a footway or pathway immediately below it and the maximum projection shall be 300mm where the underside of such sign measures more than 2,4m above such footway or ground level;
- (b) if it is on-site and locality bound, be permitted to be attached to the front, side and back walls of the building and, if it is non-locality bound it shall only be permitted to be attached to the side and back walls of the building which do not fulfil the function of a building facade;
- (c) be permitted on condition that not more than two locality bound flat signs per enterprise shall be permitted, and only one flat sign per enterprise per wall shall be permitted;
- (d) not cover any windows or other external openings of a building or obstruct the view from such openings;
- (e) not exceed 54m<sup>2</sup> in total area or exceed 30% of the visible wall surface area to which it is attached, affixed or painted, whichever is the lesser, provided that in urban landscapes of partial to maximum control, the signs may not exceed 20% of the visible wall surface area;
- (f) require an Environmental Impact Assessment if it is in excess of 36m<sup>2</sup>;

- (g) not extend beyond the ends of the wall to which it is attached in any direction;
- (h) if it is locality bound, not contain advertising matter other than exclusively directional on more than 50% of the area of any face thereof; and
- (i) if it is non-locality bound, only be permitted on blank return and back walls that have no openable sections or that comprise any architectural features.

#### Projecting Wall Sign

4.6.2 In the case of a projecting wall sign, such sign shall –

- (a) have its minimum clear height in excess of 2.4m;
- (b) be 300mm in maximum thickness;
- (c) not be allowed to extend beyond the ends of the wall to which it is attached;
- (d) not be allowed to extend within 450mm of the edge of a roadway; nor extend within 1,5m of any overhead electricity wires or cables;
- (e) have the maximum projection of 1.5m if it has a clear height of more than 7.5m, and 1m if it has a clear height of less than 7.5m;
- (f) be installed at a right angle to the street facade or to the direction of the oncoming traffic;
- (g) be locality bound;
- (h) not be displayed within 5m of any other projecting sign displayed on the same building;
- (i) not contain advertising matter other than exclusively directional on more than 50% of the area of any face thereof.

4.6.3 *Wall Signs* at shopping centres shall, in the opinion of the controlling authority, be designed in such a way as to form a structural and architectural whole with such buildings. Product replicas shall, in the opinion of the authorized officer, not dominate prominent architectural features of any building with the exception of buildings in entertainment districts. Product replicas in areas of maximum control shall consist of hand-crafted items of a high standard.

4.6.4 *Wall Signs* on historical buildings used or partly used for commercial, office, industrial or entertainment purposes or for larger accommodation facilities shall conform to the architectural style of the relevant buildings and to sign style and practices of that specific historical period.

4.6.5 Where a wall sign is shaped in the form of a flat sign, such sign shall –

- (a) at no point project more than 300mm from the surface of the wall to which it is attached. The maximum projection of any part of a flat sign shall be 180mm where the underside of such sign measures less than 2,4m from a footway or pathway immediately below it and the maximum projection shall be 300mm where the underside of such sign measures more than 2,4m above such footway or ground level;

### 4.7 FLAG SIGNS

#### 4.7.1 Temporary Flag Signs

A flag may be erected on a lot where there may or may not be buildings and shall only be used for-

- (i) Locality-bound advertising of functions or events conducted for religious, educational, social, welfare, animal welfare, sporting, civic or cultural purposes or functions or events relating to municipal, provincial or parliamentary elections or referenda, which shall only be allowed temporarily for the duration of the said event as stipulated in the application form.

#### 4.7.2 Permanent Flag Signs

Permanent flags shall only be used for;

- (i) Locality-bound advertisements displaying of the name, corporate symbol and nature of enterprises;
- (ii) Streetscaping urban areas such as pedestrian malls and gateways;
- (iii) Non-locality bound advertisements of campaigns supported by government.

- (iv) A flag must be replaced every six (6) months or sooner upon the instruction of the Authorized Officer should the flag have suffered degradation.

- 4.7.3 A flag is not permitted in a natural landscape.
- 4.7.4 No one may display a flag larger than four and a half square meters in area.
- 4.7.5 A flag may not be attached in such a manner as to interfere with or constitute a danger to passing pedestrians or traffic.
- 4.7.6 A flag must be attached to or supported by poles or other supports on the site or against the building where the function or event is to be held, or where the enterprise is located.
- 4.7.7 The amount of flags to be allowed per lot or building is to be determined by the Authorized Officer in his or her sole discretion.
- 4.7.8 A flag shall be mounted on an approved ground sign or on a flag which is affixed to a flag pole attached to a building and in a manner approved by the Council in its discretion, subject to certification by a registered professional engineer.

#### 4.8 REQUIREMENTS FOR SKY SIGNS

- 4.8.1 Two or more sky signs placed one above the other, whether or not in the same vertical plane shall, for the purposes of, this Clause, be deemed to be one sign.
- 4.8.2 In areas of maximum or partial control every sky sign shall be set against a screen complying with the requirement of Clause 12.
- 4.8.3 No part of a sky sign shall protrude beyond, above or below the edge of the screen required in terms of sub clause (2).
- 4.8.4 If the number of storeys contained in that part of a building which is directly below a sky sign as set out in column 1 of the following table, the maximum vertical dimension of such is required not to exceed the dimension specified opposite such number in column 2 of that table:

Number of Storeys Below Sign	Maximum Vertical Dimension
One or two storeys	1.5m
Three or four storeys	2.0m
Five or six storeys	3.0m

- 4.8.5 A sky sign with dimensions other than the above table will be considered by Council on its merits.
- 4.8.6 No sky sign shall be affixed to any pitched roof, provided that in the case of a double pitched roof a sign may be positioned above the parallel to the ridge thereof.

#### 4.9 Roof signs

- 4.9.1 A roof sign shall only be permitted in an industrial zone and only if it is locality bound and only with the approval of the Council.
- 4.9.2 The maximum permitted size of a roof sign shall be at the discretion of the Authorized Officer.
- 4.9.3 A roof sign shall not project in front of a main wall of a building so as to extend beyond the roof of such building in any direction.
- 4.9.4 A roof sign shall not obstruct the view or affect the amenity of any other building.
- 4.9.5 A roof sign shall be placed in such a manner so as not to interfere with the run-off of rainwater from the roof of the building.
- 4.9.6 A roof sign shall be thoroughly secured and anchored to the building on or over which it is erected and all structural loads shall be safely distributed to the structural members of the building without the use of guys, stay or any other restraining devices.

- 4.9.7 A roof sign, including all its supports and framework, shall be constructed entirely on non-combustible materials approved by the Council or its duly authorised official/s and, if illuminated, shall not be placed on or over the roof of any buildings unless such sign, as well as the entire roof construction, is of non-combustible material.
- 4.10. Veranda, balcony, canopy and under-awning signs
- 4.10.1 Signs may be affixed flat onto or painted on a parapet wall of a veranda or balcony, and beam or fascia of a veranda or balcony. Such signs may not exceed 1m in height, project beyond any of the extremities of the surface to which it is affixed, or project more than 300mm in front of the surface to which it is affixed or extend within 450mm of the edge of a roadway unless the clear height of such sign is a minimum of 3.7m.
- 4.10.2 Signs shall not be allowed on or over architectural features of buildings nor shall they be allowed to cover any window or obstruct the view from any such opening nor shall they detract from the aesthetics of the building.
- 4.10.3 An under awning sign, suspended below the roof of a veranda, canopy or balcony shall –
- (a) not exceed 1.8m in length, 610mm in height and 300mm in thickness, with a minimum thickness of 100mm;
  - (b) be perpendicular to the building and have a minimum height of 2,4m above the pavement, footpath or street;
  - (c) have its axis of symmetry at the right angle to the street line;
  - (d) be centralized within the width of the veranda or canopy to which it is attached;
  - (e) be allowed with a minimum spacing of 3m centre to centre between signs;
  - (f) contain advertising matter other than exclusively directional on more than 50% of the area of any face thereof; and
  - (g) not extend beyond the external edges of the canopy or veranda to which it is attached.
- 4.10.4 Sun-blinds and awnings shall be so made and fixed as to be incapable of being lowered to less than 2.2m above the footway or pavement directly beneath it. Such signs shall be parallel to the building line and placed in a manner so as not to interfere with vehicular or pedestrian traffic, traffic lights or traffic signs in any way.
- 4.10.5 A sign on the roof of a veranda, canopy or balcony, excluding the main roof of a building, shall be composed of a single line of freestanding, individual, cut out logos and/or letters without visible bracing or support. A sign shall only be placed on top of a veranda roof where such veranda does not have an appropriate wall, railing or beam to which the sign may be affixed. Any such sign shall not extend beyond the extremities of the veranda roof, canopy or balcony and only one sign per enterprise shall be allowed with a maximum height of 1m.
- 4.10.6 Signs on adjacent buildings shall be aligned as far as possible in order to achieve a straight line or parallel configuration.
- 4.10.7 Not more than 50% of the area of any face of any advertisement or sign painted, affixed to or erected on any cantilever or veranda or on the street facade of any building shall contain advertising matter other than of an exclusively directional nature; provided that in the case of any advertisement or sign on the street façade of a building the Authorised Officer may grant relaxation of this provision as long as the total area covered by advertising matter on such building does not exceed 50% of the sum of the area of all faces of advertisements or signs on such building
5. Temporary advertisements or signs
- 5.1 Posters and banners
- Subject to the provisions of these bylaws and any other applicable law, no person shall display or cause or permit to be displayed any advertisement or sign of a temporary nature, including but not limited to a poster, banner or flag, advertising any meeting, function or event of a sporting, civic, cultural, social, educational, religious, charitable, political or other similar character in any street or public place or on municipal property except in accordance with the prior written approval of the Authorised Officer.
- 5.2 Application for approval of temporary advertisement or sign
- 5.2.1 Any person intending to display or erect any temporary advertisement or sign for which the prior written approval of the Authorised Officer is required in terms of this bylaw, other than a sign to which bylaw 21 applies, shall apply for such approval on a prescribed form obtainable from the office of the Authorised Officer, and upon payment of such fee as may be prescribed by Council by resolution from time to time.

- 5.3 An application for approval in terms of paragraph 5.2.1 of this bylaw must –
- (a) be submitted to the Municipality in duplicate at least 5 days prior to the commencement of the even advertised thereon;
  - (b) contain the minimum requirements as detailed in the pre-scrutiny checklist obtainable from the office of the Authorised Officer;
  - (c) be accompanied by –
    - (i) a deposit in the amount stipulated by the council from time to time in its tariff of charges, which deposit shall be refunded when all the advertisements concerned have been removed to the satisfaction of the Authorised Officer;
    - (ii) a specimen or proof of advertisement to which the application relates, prior to printing; and
    - (iii) a list of all streets in which the advertisement concerned is to be displayed.
- 5.4 Any application for the display of a temporary advertisement or sign shall be subject to compliance with the following requirements to the satisfaction of the Authorised Officer:
- (a) Any advertisement relating to an election, meeting, function or event shall –
    - (i) be of maximum A1 size;
    - (ii) have a clear height of minimum 2,4m; and
    - (iii) be securely fixed to durable hardboard or other approved backing board or any other material, frame, and/or fixing as approved by the Authorised Officer.
  - (b) In the case of private property, where the event, function or meeting is taking place, the maximum size of a banner shall be 6m<sup>2</sup>.
  - (c) Any person who displays or causes to be displayed any poster advertisement relating to a meeting, function or event shall only be permitted only one poster per electricity lamppost, and a minimum of 120m spacing between posters for the same event, which must be displayed for no longer than 14 days prior to the commencement of the event and no longer than three days after the day on which it ends, subject to a maximum period for each event not exceeding 21 days and subject to commercial advertising not occupying more than 10% of the surface of the poster and which is to be displayed at the bottom of the poster.
  - (d) No posters or signs are permitted to be displayed on bridges, traffic lights, traffic signs (including any supporting structure/s for such posters or signs), nature features, tress, freeways and/or national routes.
  - (e) Any advertisement relating to an election, meeting, function or event shall not be placed in such a manner that the content of separate advertisements, when read in succession, forms a continuous relative legend.
  - (f) Positioning of posters shall be restricted to electricity lamp standards and no posters shall be erected on any signalised traffic light or traffic sign (including any supporting structure/s for such signs).
  - (g) Temporary advertisements are not permitted to be erected or displayed on any National Roads, Highways, Freeways and other areas as defined by the Council from time to time for that purpose.
  - (h) Every poster for which permission is granted shall visibly display a sticker or marking of the Municipality and the Council shall be entitled to retain one such poster for identification purposes.
  - (i) Every poster must comply with the poster guidelines as amended by the Municipality from time to time.
  - (j) Posters erected on electricity poles are subject to removal and maintenance works as necessary without giving notice to anyone.
  - (k) The total number of posters displayed at any one time relating to any meeting, function or event may not exceed 150, except in special circumstances and with the special consent of the Council or its duly delegated official/s. In the case of election advertisements, no limitation will be placed on the number of posters displayed.
6. Estate agents' boards
- 6.1 Subject to the provisions of these bylaws and any other applicable law, no person shall display, cause or permit to be displayed any estate agent's board except in accordance with the prior written approval of the Authorised Officer.



## 6.2 Application for approval of estate agents' boards

- 6.2.1 Any person intending to display, cause or permit to be displayed an estate agent's board for which the prior written approval of the Authorised Officer is required in terms of this bylaw, other than a sign to which bylaw 21 applies, shall apply annually for such approval on a prescribed form obtainable from the office of the Authorised Officer, and upon payment of such fee as may be prescribed by the Council by resolution from time to time in respect of the specified application.
- 6.2.2 In the case of an estate agency, the onus shall be on the estate agency concerned to –
- (a) bring the provisions of this bylaw, as well as any other applicable legislation or policy, to the attention of its agents and ensure due compliance with the provisions thereof;
  - (b) manage, control and take responsibility for its agents and, in addition, take appropriate action when necessary against its agents or persons in its employ when there have been transgressions.
  - (c) An agency shall be permitted a maximum of 30 estate agents boards (On Show), of which conditions specified in section 6.2.3 shall apply. The agency shall pay the application fee as well as the annual display fee as prescribed by council in the tariff of charges.
- 6.2.3 Any person who displays or causes to be displayed any estate agent's sign on any property belonging to the Municipality, other than a road reserve, unless specific approval has been granted for the display thereon, shall comply with the following requirements to the satisfaction of the Authorised Officer:
- (a) Such estate agency boards are only to be used for the purpose of indicating the route to the property or premises on show or advertised;
  - (b) Such estate agency boards are to be of appropriate structure and size to be a maximum of 500mm x 600mm and collectively the number of boards displayed shall not, in the opinion of the Council, detract from the amenities of the streetscape or environment;
  - (c) The number of on show boards shall be limited to a maximum of ten boards per agent and no contact number shall appear on such boards.
  - (d) Subject to the provisions of the Road Traffic Act and other applicable legislation, such estate agency boards are not to be positioned nearer than 1,8m from the nearest edge of the roadway, and placed at such height that the lower edge of the board does not exceed 600mm above the ground;
  - (e) Such estate agency boards are not to be positioned nearer than 10m from any road intersection, entrance or exit from a dual carriage way or a freeway as defined in the Road Traffic Act or other applicable legislation;
  - (f) Such estate agency boards are not to be positioned so as to obstruct the view of any road traffic sign or street name sign from any portion for a roadway as defined in the Road Traffic Act or other applicable legislation;
  - (g) Such estate agency boards are not to be positioned so as to hinder or obstruct pedestrians' right of way on a sidewalk or to unfairly prejudice other traders;
  - (h) The display of estate agency boards for show houses will only be permitted on Fridays, Saturdays, Sundays and public holidays.
  - (i) Applicants will be required to indemnify the Council against any claims which may arise from the placement of such signs within the road reserve or on Council Property and shall be required to procure third party insurance for this purpose.

## 6.3 Private Sales Boards

- 6.2.4.1 Any person who displays or causes to be displayed any private sale board on any private property or land, shall comply with the following requirements of the bylaws to the satisfaction of the Authorised Officer:
- (a) Filling in of application forms obtainable from the municipal offices, making payment of the prescribed application fees and submission of the required documents as stipulated in the application forms.
  - (b) The private sale board shall be place inside the property on sale
  - (c) The number of private sale shall be limited to one board per property
  - (d) The advertising period shall be limited to 90 days for private sale

## 7. Portable Boards / Sandwich Boards

7.1 Subject to the provisions of these bylaws and any other applicable law, no person shall display, cause or permit to be displayed any portable or sandwich board except in accordance with the prior written approval of the Authorised Officer.

(a) Approved portable boards or sandwich boards advertising services may only be displayed during normal trading hours, where after they shall be removed.

(b) Only one such portable board per street frontage per enterprise shall be allowed to advertise services and such signs shall be placed inside the advertiser's premises; and shall not be placed on the street verge.

## 8. Political or election advertisement

.1 Subject to the provisions of these bylaws and any other applicable law, no person shall display, or cause or permit to be displayed, any political or election advertisement except in accordance with the prior written approval of the Authorised Officer.

### 8.2 Application for approval of political or election advertisement

8.2.1 Any person, including a political party, who wishes to display, or cause or permit to be displayed, any political notice or advertisement for which the prior written approval of the Authorised Officer is required in terms of this bylaw, other than a sign to which bylaw 21 applies, shall apply for such approval on a prescribed form obtainable from the office of the Authorised Officer and upon payment of such fee as may be prescribed by Council from time to time.

8.2.2 Any application referred to in sub-paragraph 8.2.1 of this bylaw must –

(a) be submitted to the Authorised Officer in duplicate at least 14 days prior to the display or erection of the notice or advertisement concerned;

(b) contain the minimum requirements as detailed in the pre-scrutiny checklist;

(c) be accompanied by –

(i) proof of payment of a deposit in the amount determined by the Authorised Officer, which deposit shall be refunded when all the advertisements or notices concerned have been removed to the satisfaction of the Authorised Officer;

(ii) proof of advertisement to which the application relates, prior to printing; and

(iii) a list of all the streets at which the political notice or advertisements is to be displayed.

### 8.3 Onus on political parties

8.3.1 The onus is on each political party concerned to –

(a) bring this policy or relevant legislation to the attention of its representatives and ensure compliance with all its provisions; and

(b) manage, control and take responsibility for its agents, officials and politicians and, in addition, take appropriate action whenever necessary against its agents, politicians or any person in its employment where there has been any contravention of this bylaw or any other applicable legislation and ensure that there is due compliance therewith.

### 8.4 Requirements for political or election advertisements

8.4.1 Any person, including a political party, who wishes to display or cause to be displayed a political or election notice or advertisement shall comply with the following requirements to the satisfaction of the Authorised Officer:

(a) any advertisement relating to an election shall be of a maximum A1 size; shall have a clear height of a minimum 2,4m; and shall be securely fixed to durable headboard or other approved backing board or any other material, frame and/or fixing as approved by Council;

(b) insofar as a poster advertisement relating to an election or political advertisement is concerned, the applicant shall only be permitted: - one poster per electricity lamp post; a minimum of 120m spacing between posters for the same political party, which must be displayed for no longer than 120 days prior to the commencement of the elections and should be displayed or erected no longer than seven (7) days after the day on which the election ends, subject to the maximum period for each election not exceeding 30 days;

(c) no election posters are permitted to be displayed on bridges, traffic lights, traffic signs (includes supporting structure for such signs), natural features, trees, freeways and/or national routes, unless special authorization is received from the Authorised Officer;

- (d) any advertisement relating to an election shall not be placed in such a manner that the content of separate advertisements, when read in succession, forms a continuous relative legend;
- (e) any advertisement relating to an election, including the tariff of fees applicable to such election advertisement, shall be on the basis of a written agreement between the Municipality and the political party/ies concerned.
- (f) the total number of posters displayed at any one time relating to elections may not exceed 300 per candidate and 700 per party in the case of general advertising.
- (g) Any advertisement relating to an election, including the tariff of fees applicable to such election advertisement shall be on the basis of a written agreement between the Council and the relevant political party or parties.

8.4.2 In addition to the requirements set out in paragraph 8.4.1, any political notices or advertisements to be displayed for general advertisement shall comply with the following further requirements to the satisfaction of the Authorised Officer:

- (a) Any person, including a political party, who displays or causes a poster, banner or flag advertisement to be displayed outside an election period (i.e. advertising a programme/campaign) shall specify the timeframe for which that signage is to be displayed or erected, provided that such time frame does not exceed two months from the date of approval thereof. Should the time frame exceed the maximum period permitted, then the political party concerned will be charged an additional amount as per the tariff of charges; and
- (b) the total number of posters for political parties for general advertisement outside an election period (i.e. advertising a programme/campaign) may not exceed 200 per party.

## 9. Aerial advertisements

9.1 Subject to the provisions of these bylaws and any other applicable law, no person shall display or cause to be displayed an aerial advertisement, except by means of an aircraft, except under and in accordance with the prior written approval of the Authorised Officer.

### .2 Application for aerial advertisement

9.2.1 Any person who wishes to display or cause to be displayed an aerial advertisement for which the prior written approval of the Authorised Officer is required in terms of sub-bylaw 7.1, other than a sign to which bylaw 15 applies, shall apply for such approval on a prescribed form obtainable from the office of the Authorised Officer, and upon payment of such fee as may be prescribed by the Council from time to time;

9.2.2 An application in terms of sub-bylaw 9.2.1 must be accompanied by –

- (a) Particulars of the content and dimensions of the aerial advertisement and of the aerial device by means of which the advertisement is to be displayed, as well as the material used and method of construction and anchorage;
- (b) Particulars of the intended location with a description of the premises to which the aerial device will be anchored or tethered and details of electricity and telephone poles and cables and other structures within 30m or length of tether, whichever is the greater, of the point of anchorage;
- (c) The name and address of the person/s or contractor/s displaying the aerial advertisement and the name and address of the approved competent person in attendance of the aerial device and of its owner;
- (d) The period and times of intended display;
- (e) Where the applicant is not the owner of the premises to which the aerial device is to be anchored or tethered, the written consent of the owner of such anchoring;
- (f) Proof of the provision of an automatic deflation device;
- (g) Proof of adequate public liability insurance to the satisfaction of the Authorised Officer; and
- (h) Proof of approval of the National Civil Aviation Authority, together with proof of compliance with any conditions and/or requirements prescribed by such Authority.

9.2.3 Aerial advertisements shall be permitted for events of a sporting, civic, cultural or political nature only and shall not be displayed or caused to be displayed on, from or over public property, including any street or public place, unless approval has been granted by the Authorized Officer, who may impose such conditions as he/she deems fit.

## 10. Advertising on vehicles

- 10.1 Subject to the provisions of these bylaws and any other applicable law, no person shall display or cause to be displayed any advertisement on an advertising vehicle except in accordance with the prior written approval of the Authorised Officer.
- 10.2 The following conditions shall apply to advertising vehicle
- 10.2.1 Any person who wishes to display or cause to be displayed any advertisement on an advertising vehicle for which the prior written approval of the Authorised Officer is required in terms of sub-bylaw 10.2 of this bylaw, other than a sign to which bylaw 15 applies, shall apply for such approval on a prescribed form obtainable from the office of the Authorised Officer, and upon payment of such fees as may be prescribed by Council from time to time.
- 10.2.2 An application in terms of sub-bylaw 10.2.1 must be accompanied by –
- (a) Particulars of the materials of which the advertising sign is made, its dimensions, and the manner of its construction and the method by which it is secured to the advertising vehicle;
  - (b) The name, address and telephone number of the owner of the vehicle or, if the owner resides or has his place of business outside the boundaries of the Council, of the person having control of the vehicle at all times; and
  - (c) A copy of the current vehicle licence and registration certificate issued in respect of such vehicle, as required in terms of the Road Traffic Act.
- 10.3 Requirements of advertising vehicles
- 10.3.1 An advertising vehicle shall not be placed or parked or caused to be placed or parked on private property or public property, including any demarcated parking bay, in a public road or within a road reserve -
- (a) unless the prior written approval of the Authorised Officer has been obtained in terms of these bylaws and the Outdoor Advertising Policy and the designated display site/s have been approved in terms of these bylaws and the Outdoor Advertising Policy; and
  - (b) provided that if no approved designated site exists, advertising vehicle signs shall be permitted to be displayed if they are mobile at all times and comply with all requirements of traffic legislation.
- 10.3.2 The advertising period allowed for advertising vehicles shall be 14 consecutive days
- 10.3.3 Advertising vehicles parked on private property for the purpose of storage shall be positioned in such a manner as not to be visible from any street or public place.
- 10.3.4 The advertising panel or portion of the vehicle used for transit advertising shall not exceed a cumulative total of 18m<sup>2</sup> per panel.
- 10.3.5 Notwithstanding anything contained in these Bylaws, the Council or the Authorised Officer may, without prior notice, remove an advertising vehicle from the municipal property, and in the case of an unauthorised advertising vehicle on private property, the Council or the Authorised Officer may serve notice instructing the immediate removal thereof, failing which the Council may, without a court order, enter onto the property concerned to remove or arrange for the removal of the advertising vehicle.
- 10.3.6 Unless an advertising vehicle impounded by the Council has been reclaimed within a period of three months from the date of notification, such vehicle shall be disposed of by the Council to defray any costs involved in the removal or storage thereof.
- 10.3.7 Impounded advertising vehicles shall only be released by the Council after all removal costs and fines have been paid in full, and a copy of the current licence registration papers has been submitted to the Municipality for verification.
- 10.3.8 Notwithstanding anything contained in these bylaws, the approval of any advertising vehicle by the Authorised Officer shall be subject to such conditions as the Authorised Officer shall in his/her discretion deem appropriate to impose.

#### CHAPTER 4

##### ADVERTISEMENTS AND SIGNS ON MUNICIPAL PROPERTY

11. Signs on municipal property and temporary advertisements
- 11.1 Temporary advertisements and signs on municipal property are subject to Council's specific consent as set out in these Bylaws and the Outdoor Advertising Policy.

- 11.2 Permanent advertisements and signs on municipal property, including but not limited to street furniture, street name signs, dustbins, bus shelters, suburban and community advertisements and any other remote advertising signs, are subject to Council's specific authority and tender procedures: Provided that the Council shall be obliged to set out and agree to the specifications and required performance standards for such signs prior to calling for tender proposals.
- 12 Advertisements at the entrance of a town or historical monument
- 12.1 Subject to the provisions of these Bylaws and any other applicable law, no person shall display, cause or permit to be displayed any advertisement or sign at the entrance of a town or monument except in accordance with the prior written approval of the Authorised Officer.
- 12.2 Application for approval of advertisement at the entrance of a town or historical monument
- 12.2.1 Any person intending to display, erect, alter or maintain any advertisement or sign, for which the prior written permission of the Authorised Officer is required in terms of sub- by-law- 17.1, other than a sign to which bylaw 2 applies, shall apply for such approval on a prescribed form obtainable from the office of the Authorised Officer, and upon payment of such fee as may be prescribed by Council from time to time.
- 12.2.2 An application in terms of paragraph 17.2.1 of this bylaw must –
- (a) meet the minimum requirements as detailed in the pre-scrutiny checklist;
  - (b) be submitted in duplicate; and
  - (c) be accompanied by such additional drawings, Environmental Impact Assessments and/or photographs as may be necessary, in the opinion of the Council, to explain the true nature and scope of the application.
- 12.2.3 The application shall be assessed by the relevant department/s within the Municipality, after which it shall then proceed to the Aesthetics Committee for discussion, coordination and final decision.
- 12.2.4 The Aesthetics Committee may refuse to grant the application if, in its discretion, the signage (and/or its contents) applied for is not appropriate for an entrance point to the town or it may grant its approval to such application subject to any conditions it may deem appropriate to impose in accordance with these Bylaws.
- 12.2.5 No commercial advertisement shall be permitted for at the entrance of a town
13. Advertisements on construction sites
- 13.1 The Council must, for the purposes of considering an application in terms of this section for an advertisement to be displayed on the boundary or fence of or scaffolding on a construction site for a period set out in the building schedule but not exceeding 12 months, have regard to the following considerations:
- a) The zoning of the property concerned in terms of an applicable town planning scheme and the general ambience of the area where the proposed sign is to be displayed;
  - b) the aesthetic effect of the sign on the amenity of the area concerned and its surroundings;
  - c) the area of control set out in the outdoor advertising policy, applicable to the property concerned and its surroundings; and the distance of the proposed sign from every other approved and existing advertising sign within a radius of 200m
  - d) An advertisement specified in subsection (1) is only allowed in an urban area of partial or minimum control and may not be animated or illuminated
  - e) may only be permitted on scaffolding which is against a building under construction or on a hoarding, fence or wall on the boundary of a construction site which has been erected to enclose that site during construction;
  - f) may only be erected if it will conceal an unsightly condition arising out of the use to which the property concerned is put and if such sign will make a positive contribution to the visual environment; and
  - g) may not be placed on the top of a boundary fence or wall.
- 13.2 The size and height of signs allowed in this class are as follows:
- (a) Project Boards:
    - (i) Maximum size: 1.5m<sup>2</sup> per consultant.
    - (ii) Total Maximum size: 9m<sup>2</sup>.
    - (iii) Maximum height: 3m.
  - (b) Development Advertisements:
    - (i) Maximum size: 6m<sup>2</sup> in maximum control area.
    - (ii) Maximum size: 12m<sup>2</sup> in partial and minimum control area.
    - (iii) Maximum height: 3m.
- 13.3 The position and spacing requirements for this class of signs are as follows:
- (a) Project boards:
    - (i) One sign per street front per site.

- (ii) Not in road reserve.
- (iii) Only road construction sign will be allowed within the road reserve.
- (iv) Not next to a freeway.
- (b) Development advertisements:
  - (i) Only one advertisement per development.
  - (ii) Only while relevant development is taking place.
  - (iii) Not in road reserve.

#### 14. COMBINATION SIGNS

- 14.1 Subject to approval in terms of this By-Law, the erection and/or display of Locality Bound Freestanding signs are permitted only in urban areas of maximum, partial and minimum control as specifies in the KwaDukuza municipality's outdoor advertising policy.
- 14.2 A composite signs shall only be permitted in the following instances:
- i. Where business premises are set back 15 m or more from the boundary of the road reserve; or
  - ii. Where it is not reasonably possible to affix appropriate signs to a building; or
  - iii. Where such a sign is necessary to allow the public to locate the entrance to business premises; or
  - iv. Where the existence of a freestanding composite sign may prevent the proliferation of signs.
- 14.3 A composite signs may not exceed 7 m in height and in addition may not exceed 4, 5 m<sup>2</sup> in total area.
- 14.4 A composite sign shall only be permitted for commercial, industrial and business opportunities.

#### 15. NEIGHBORHOOD WATCH, SECURITY SIGNS AND FARM WATCH

- 15.1 This class will be allowed in all areas of control.
- 15.2 The size and height of signs allowed in this class are as follows:
- (a) Size:
- Security signs: Maximum area: 0.35m<sup>2</sup>
  - Neighbourhood and farm watch: Maximum area 1.5m<sup>2</sup>
- (b) Height: Maximum height: 3m
- 15.3 The position and spacing requirements for this class of signs are as follows:
- (a) Security signs: Urban area:
- i. In urban areas only one sign per street boundary of a stand or subdivision shall be permitted and such sign shall be firmly affixed to the building, boundary wall, fence or gates on the street frontage or shall be displayed within the boundaries of the stand.
  - ii. Minimum spacing of one per 30m length of street boundary
  - iii. Security companies shall be permitted to advertising using a maximum of 4 vehicles and 4 flags for a maximum pe 8 hour per month. This application shall be permanent with the application fee and annual display fee paya prescribed by council in the tariffs of charges.
- (b) Farm watch:
- i. Farm watch signs may be displayed at the junction or intersection of a public road and private access road or at the entrance to an individual farm. Only one sign per farm shall be allowed.
- (c) Neighbourhood watch:
- i. A neighbourhood or farm watch sign may be erected within a road reserve other than national road, provincial road or any freeways, at the point where the watch area is entered. However, such signs shall not be positioned on a road island or road median or inside a restricted area.
  - ii. Neighbourhood watch or farm watch companies shall be permitted to advertising using a maximum of 4 vehicles and 4 flags for a maximum period of 8 hour per month. This application shall be permanent with the application fee and annual display fee payable as prescribed by council in the tariffs of charges.
- 15.4 These signs may not be illuminated or animated.
- 15.5 Signs shall refer only to the existence and operation of a commercial security service, burglar alarm system or neighbourhood watch or similar system or scheme.
- 15.6 These signs are subject to the approval of the authorized officer

### CHAPTER 5

#### ASSESSMENT OF APPLICATIONS AND APPEAL PROCEDURE

- 16 Assessment of applications
- 16.1 In considering applications, in addition to any other relevant factors, the Council shall ensure that the design and display of all advertising signs conforms to the SAMOAC's guidelines for the control of advertising in terms of the general conditions and principles as set out in these Bylaws and the Outdoor Advertising Policy, as amended from time to time.

- 16.2 Subject to compliance with the provisions of paragraph 14.1 of this bylaw, the Council may also require the applicant to consult any other relevant authority, such as the Department of Transport, South African National Roads Agency Limited (SANRAL) or stakeholder, prior to submission of the application and/or arriving at a final decision on an application.
- 16.3 The Council may refuse an application or grant its approval, subject to such conditions as it may deem expedient but no inconsistent with the provisions of these Bylaws or the Outdoor Advertising Policy, as amended from time to time.
- 16.4 Approval of all advertising signs shall be at the pleasure of the Council and will endure for a period as may be determined by the Council either in relation to the advertising structure or to the advertising content or both, where after a new application for consideration must be submitted to the Municipality for approval in terms of these Bylaws and the Outdoor Advertising Policy.
17. Appeal procedure
- 17.1 The applicant may appeal in writing to the Council against any refusal, lack of decision or condition imposed by the Authorised Officer, provided that such appeal is brought in the manner and within the period as stipulated in section 62 of the Systems Act.
- 17.2 The decision of the Council in relation to any application or appeal in terms of these Bylaws and the Outdoor Advertising Policy shall be final, subject to the right of an aggrieved applicant or appellant to approach a Court with competent jurisdiction for relief.

## CHAPTER 6

### MAINTENANCE AND ALTERATIONS

18. Maintenance of advertisements or signs
- 18.1 The owner of premises –
- (a) on which an advertisement or sign which is exempted in terms of these Bylaws from compliance with the provisions thereof has been displayed or erected, as the case may be; and
  - (b) on which an advertisement or sign which is not exempted has been displayed or erected, as the case may be, and the applicant who has been granted permission in terms of these bylaws in respect thereof, jointly and severally,
- shall maintain such advertisement or sign (together with its supports, braces, guys and anchors) in a state of good repair, both structurally and aesthetically.
- 18.2 Whenever any alteration is made to the ground level below or adjacent to any advertisement or sign the person or persons who are liable to maintain the advertisement or sign in terms of sub-bylaw 18.1 shall alter the height of such advertisement or sign so as to bring it into conformity with the provisions of these bylaws, if practicable.
- 18.3 Should any advertisement or sign become dangerous, unsightly or in any way constitute a nuisance, the person or persons who are liable to maintain the advertisement or sign in terms of sub-bylaw 18 of these Bylaws shall forthwith remove the source of danger, the cause of the unsightliness or the nuisance, and failure to do so will constitute an offence.
- 18.4 Should the owner of the sign or property fail to comply with the terms of a notice from the Authorised Officer requiring him to remove such source of danger, the cause of the unsightliness or nuisance, the municipality may remove such advertisement through a court order and recover the cost of doing so from the person concerned by civil action and no compensation shall be payable by the Municipality in consequence of such removal.
- 18.5 The owner and any occupier of any premises upon which any advertisement or sign is displayed or erected within the public view, shall permit the Authorised Officer or a member of his staff duly authorised by him, to inspect such advertisement or sign and to execute any work in relation thereto, and shall furnish the Authorised Officer or such member, as the case may be, with any information that may be required regarding the display, erection or maintenance of such advertisement or sign.
19. Alterations to advertisements or signs
- The permission granted in respect of any advertisement or sign shall lapse when any alteration or addition is made to such advertisement or sign: Provided that minor alterations or changes of text may be approved by the Authorized Officer by enforcement on the original application.

## CHAPTER 7

## PROHIBITED ADVERTISEMENTS AND SIGNS

20. Prohibited advertisements and signs
- 20.1 No person shall display or distribute any of the following advertisements or erect any of the following signs:
- (a) Any advertisement which, in the opinion of the Authorised Officer, is of an indecent, obscene or objectionable character or of a nature calculated to produce a pernicious or injurious effect on the public or any particular case of persons or is displayed in any place, in such a manner or by such means as, in the opinion of the Authorised Officer, is likely to effect injuriously the amenities of, or to disfigure any neighbourhood when the Authorised Officer has by notice served on such person conveyed his opinion to that effect.
  - (b) Any advertisement that is painted onto or attached in any manner to a tree or other plant or to any rock, cliff or other natural feature.
  - (c) Any advertisement or sign which obstructs any street, fire escape, exit way or any window or door or other opening use as a means of a way out from premises or for ventilation or for fire fighting purposes or which prevents free passage from one part of a roof to another.
  - (d) Any advertisement or sign which is prohibited in terms of any town planning scheme.
  - (e) Any advertisement on a portable board displayed on a street pavement.
  - (f) Any advertisement or sign that is painted on or in any way affixed to the inside surface of any window of a residential building other than a display window.
  - (g) No pamphlets shall be scattered from the air, in any way be distributed in any street or public place or attached to the windscreens of any parked vehicles.
  - (h) No "Sold" boards will be allowed.
  - (i) No "For Sale" boards shall be allowed other than on vacant land.
  - (j) Advertisements painted on roofs. No advertisement shall be painted on a roof of a building which is not situated in an industrial zone, commercial zone, or an airport zone.
  - (k) Advertisements or signs interfacing with traffic or shipping control. No advertisement or sign shall be displayed or erected:
    - (i) which interferes with or is likely to interfere with any sign or signal for the control of traffic or with any marine or air navigational light or which is in any way likely to constitute a danger to traffic or shipping or aircraft;
    - (ii) which is so placed as to obstruct the view of traffic whether at any street intersection or elsewhere.
  - (l) Advertisements or signs in certain materials. No advertisement or sign shall be displayed or erected:
    - (m) on top of a canopy or veranda unless it consists solely of individual letters not exceeding 750mm in height to which may be added not more than two symbols, provided that:
      - (aa) the letters and symbols shall be of the cut-out type or be individually boxed; and
      - (bb) a symbol shall not exceed 1m in height, and shall be mounted separately to the letters;
    - (ii) as a sky sign except in an industrial or harbour zone unless it is, in the opinion of the Authorised Officer, or such size or so backed by a portion of the building, or so constructed, as not to detract from the amenities of the neighbourhood or the appearance of the building;
    - (iii) in any area other than an industrial or general business zone unless such advertisement or sign is of an exclusively directional nature or is erected on an accommodation establishment as defined in section 1 of the Tourism Act, 1993 (Act 72 of 1993) or retail business premises;
    - (iv) on a sign made of cloth, paper, plastic or paper-mache or other material of a like nature unless such advertisement:
      - (aa) is displayed on a sale banner which is erected, parallel to and on the face of the premises fronting a street, not more than six times annually for periods not exceeding two weeks and which does not exceed 0,4m<sup>2</sup> in area for each linear metre of building frontage;



- (bb) relates to current or forthcoming programmes and is displayed on or within the curtilage of premises used for public entertainment upon a sign and in a position approved by the Authorised Officer;
- (cc) is displayed on an approved ground sign or on a flag which is affixed to a flagpole attached to a building in a manner approved in writing by the Authorised Officer, subject at his discretion, to certification by a registered professional engineer;
- (dd) is displayed during public celebrations or festive occasions;
- (ee) is on any portion of a sunblind or awning;
- (ff) is displayed as an advertisement in accordance with the provisions of bylaw 12 of these bylaws;
- (gg) is either a flag of an embassy, central government or provincial government, the Municipality or the registered flag of a shipping company's house flag displayed at its main office or factory in the town.

## CHAPTER 8 EXEMPTIONS

### 21. Exempted signs

21.1 Subject to the provisions of any national or provincial legislation which may be applicable, the following advertisements and signs are exempted from the provisions of these Bylaws:

- (a) Any sign displayed inside a sport stadium which is not visible from outside the stadium;
- (b) Any sign which is displayed inside a building at a distance of more than two metres from any window or other external opening through which it may be seen from outside the building and which is not aimed primarily at attracting the attention of the road user;
- (c) Any national flag hoisted on a suitable flagpole as long as nothing is added to the design of the flag and no advertising material is added to the flagpole;
- (d) Any sign which is displayed by the Council or at the instance or instruction of the Council;
- (e) Any sign displayed on an approved advertising board or structure which complies with other relevant requirements of these Bylaws;
- (f) Any banner or flag carried through the streets as part of a procession;
- (g) A price ticket smaller than 0.02m<sup>2</sup> on an item displayed in a shop window;
- (h) Any vehicle not deemed by the Authorised Officer, in his opinion, as an advertising vehicle as defined in these Bylaws, including a company branded vehicle either in transit or on the premises of the company concerned; an
- (i) Any advertisement or sign lawfully in existence before the date of promulgation of these Bylaws for a period of 24 months from the date of such promulgation, if such advertisement or sign is continuously displayed or kept in position without any alteration other than a minor alteration which the Authorised Officer in his sole discretion allows.

### 2. Exempted areas or precincts

2.1 Notwithstanding the provisions of bylaw 21, it is hereby recorded that extraordinary circumstances prevailing in certain areas or precincts of the KwaDukuza municipal area may necessitate that the Council declare the area or precinct concerned exempt from the provisions of these Bylaws and the Code of Practice.

22.2 In determining whether extraordinary circumstances exist which justify an exemption as contemplated in this bylaw, the following shall be taken into consideration by the Council:

- (a) Whether an urban\_renewal programme is in place which warrants a unique approach to outdoor advertising within its focus area;
- (b) Whether an exemption from these Bylaws and the Code of Practice will contribute to the success of the urban renewal programme;

- (c) The nature and function of the defined area;
  - (d) The enhancement of the defined area, which can be achieved by means of exemption;
  - (e) The financial benefit to the Council and/or the urban renewal programme accruing from such an exemption; and
  - (f) The nature and extent of outdoor advertising which will be permitted in terms of the proposed exemption.
- 22.3 In granting an exemption in terms of paragraph 21.1 of this bylaw, a comprehensive policy and guidelines governing outdoor advertising for the area or precinct to be exempted must be adopted by the Council.

#### CHAPTER 9

#### WITHDRAWAL OR APPROVAL OF AMENDMENT AND REMOVAL OF ADVERTISEMENT STRUCTURES OR SIGNS

- 23 Withdrawal or amendment of approval
- 23.1 The Council may, at any time, withdraw an approval granted or amend any condition or impose a further condition in respect of such approval if in the opinion of the Council an advertising sign does not conform to the Outdoor Advertising Policy and/or SAMOC, as amended from time to time, or if the advertisement or sign concerned does not comply with any of the conditions of the approval granted in terms of these Bylaws, or for any other reason which the Council may in its discretion deem fit.
- 23.2 Any advertisement which, in the opinion of the Council, causes any interference or disturbance to the occupants of any affected premises shall be altered in such a manner as prescribed by the Council or be removed by the applicant/occupier within such period as may be specified by the Council.
- 23.3 The permission granted in respect of any advertisement or sign shall lapse when any alteration or addition is made to such advertisement or sign without the further approval of the Council, provided that Council may approve minor alterations at its discretion by means of an endorsement on the original application.
- 24 Removal of advertisement structures or signs
- 24.1 Notwithstanding anything contained in these Bylaws, the Council may serve a notice on the person who is displaying the advertisement or who has erected the sign, as the case may be, or who is causing or permitting such advertisement or sign to be displayed or erected, or the owner of the premises upon which it is being displayed or has been erected, or upon both such person and such owner, directing him/her or them, as the case may be, to remove such advertisement or sign or carry out such alteration thereto or do such work thereon as may be specified in such notice within the time stipulated in such notice if –
- (a) in the opinion of the Council, the advertisement structure or sign concerned is detrimental to the environment or to the amenities of the neighbourhood; or
  - (b) the advertisement structure or sign concerned is otherwise in contravention of any law, including any provision of these Bylaws and the Outdoor Advertising Policy.
- 24.2 If a person to whom a notice has been given in terms of sub-bylaw 24.1 fails to comply with a direction or order contained in such notice within the period stipulated therein, the Council may, at any time after the expiry of that period, through the agency of any person authorised thereto by the Council, get a court order to enter upon the land upon which the advertisement or sign to which the notice relates is being displayed or has been erected and remove or cause to be removed such advertisement or sign or effect the alterations prescribed in the notice.
- 24.3 The Municipality may recover by civil action the reasonable expenses incurred by it as a result of any action taken under sub-bylaw 21.2 from any person to whom the notice in question was given.
- 24.4 No compensation shall be payable by the Municipality to any person in consequence of any removal or other work required to be effected in terms of sub-bylaw 18.1
- 24.5 Should the Council believe on reasonable grounds that any sign or advertising structure –
- (a) constitutes a danger or potential danger to life or property; or
  - (b) is socially objectionable or obscene,
- the Council may, without serving any notice, carry out or cause to be carried out the removal of such sign or advertising structure.
- 24.6 Council shall, without notice remove any advertisement displayed on council property without approval
25. Damage or defacement due to removal of advertisements or signs

Any damage to or defacement of any premises caused by or resulting from the removal of any advertisement or sign shall forthwith be made good to the satisfaction of the Authorised Officer by the owner of the premises.

#### CHAPTER 10

##### AESTHETICS COMMITTEE

#### 26 Establishment of Aesthetics Committee

26.1 An Aesthetics Committee is hereby established for the Municipality, the members of which shall include officials from all relevant departments of the Municipality involved in the consideration and assessment of advertising applications, and its duties and functions shall include the following:

- (a) discussing and co-ordinating matters relating to outdoor advertising;
- (b) considering and making decisions on permanent outdoor advertising applications in order to ensure that applications comply with the provisions of these Bylaws, the Outdoor Advertising Policy and any other relevant legislation; and
- (c) considering any written comments, representations or objections that have been received from the general public or any interested and affected party in respect of matter relating to outdoor advertising or an application from any interested party, all of which must be considered by the Aesthetics Committee before taking a decision on the application.

#### CHAPTER 11

##### OUTDOOR ADVERTISING POLICY

#### 27. Bylaws to give effect to the Outdoor Advertising Policy

27.1 These Bylaws, as amended, shall give effect to the Outdoor Advertising Policy, its implementation and enforcement.

27.2 The Outdoor Advertising Policy may permit various types of advertising signage in the three areas of control in accordance with the degree of visual impact on the environs and the use of the South African Manual for Outdoor Advertising Control (SAMOAC) as a guiding document to support the Council or the Authorised Officer to exercise discretion –

- (a) to permit advertising signs in the areas of maximum, partial and minimum control in accordance with the Outdoor Advertising Policy, the directives and accepted conditions and principles for control; and
- (b) not to permit advertising signs in areas considered to be contrary to the Policy directives, general conditions and principles for control or to be contrary to the classified and demarcated spatial and other entities and other entities within these areas of control.

#### 27.3 Bylaws to take precedence over the Outdoor Advertising Policy

These Bylaws, as amended, shall take precedence over the Outdoor Advertising Policy which Policy shall, in turn, take precedence over the SAMOAC in the event of any conflict arising in the interpretation thereof.

#### 27.4 Waiver of compliance with Outdoor Advertising Policy by the Council

Notwithstanding anything contained in these Bylaws or the Outdoor Advertising Policy, the Council may waive compliance with the Outdoor Advertising Policy, but –

- (a) only in circumstances which are considered exceptional by the Council; and
- (b) where the Council considers a proposal to be in the interests of the community or to be for the betterment and/or upliftment of its society;

Provided that such waiver is of financial and/or other pertinent interest to the Municipality and not detrimental to the technical aspects concerning public safety and security.

#### CHAPTER 12

##### CONTRAVENTIONS AND PRESUMPTIONS

#### 28. Contravention of these Bylaws is an offence

Any person who displays an advertisement or erects a sign which does not comply with or conform to the requirements of these Bylaws or the Outdoor Advertising Policy or who otherwise contravenes or fails to comply with any provision

thereof shall be guilty of an offence and liable upon conviction to the fines imposed by a Magistrate of the Magistrate's Court with jurisdiction in the area in which such offence was committed.

29. Presumptions

For the purposes of these bylaws:

- (a) a person who has displayed an advertisement or who has renovated or repaired it or a sign on which an advertisement has been displayed and any person who is entitled to remove it, shall be deemed to display that advertisement while and whenever it is visible from a street or public place;
- (b) a person who owns or occupies premises whereon an advertisement which is visible from a street or public place, is being displayed, or wherever a sign has been erected whereon is situated such an advertisement or sign which has been maintained, renovated or repaired, and the manufacturer of any article or the proprietor of any business or undertaking to which such an advertisement relates and any agent of such a manufacturer or proprietor shall, unless the contrary is proved, be deemed to have displayed that advertisement or erected that sign, as the case may be, or otherwise to have caused it to be displayed or to have erected, maintained, renovated, restore or repaired it, as the case may be, or to have permitted erection, maintained, renovation, restoration or repair;
- (c) any person who proposes to exercise any right in connection with premises to which the public has no access as a matter of right, or who is from time to time upon any such premises, shall be deemed to occupy those premises, unless the contrary is proved.

CHAPTER 13

DELEGATIONS

30 Delegations

30.1 Subject to any applicable law, the Council may delegate to an officer, employee, body or functionary of the Municipality any power or duty conferred upon the Council by the provisions of these Bylaws.

30.2 A delegation referred to in sub-bylaw 30.1 –

- (a) must be in writing;
- (b) does not prohibit the Council from exercising that power or performing that duty; and
- (c) may at any time be withdrawn or amended in writing by the Council by adopting a resolution to that effect.

CHAPTER 14

REPEAL

31. Repeal of bylaws

All Municipal Bylaws, and amendments thereto, relating to Advertising made by KwaDukuza Municipality in the Provincial notice No. 63.