



KwAZULU-NATAL PROVINCE
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ISIFUNDAZWE sAKwAZULU-NATALI

Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe

GAZETTE EXTRAORDINARY — BUITENGEWONE KOERANT — IGAZETHI EYISIPESHELI

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

PIETERMARITZBURG

Vol. 10

21 JANUARY 2016
21 JANUARIE 2016
21 KUMASINGANA 2016

No. 1588

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ISSN 1994-4558



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Notice submission deadlines

Government Printing Works has over the last few months implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submit your notice request.

In line with these business rules, GPW has revised the notice submission deadlines for all gazettes. Please refer to the GPW website www.gpwonline.co.za to familiarise yourself with the new deadlines.

CANCELLATIONS

Don't forget!

Cancellation of notice submissions are accepted by GPW according to the deadlines stated in the table above.

Non-compliance to these deadlines will result in your request being failed. **Please pay special attention to the different deadlines for each gazette.**

Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.

Requests for cancellation must be sent by the original sender of the notice and must accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

take note!

With effect **from 01 October**, GPW will not longer accept amendments to notices. The cancellation process will need to be followed and a new notice submitted thereafter for the next available publication date.

CUSTOMER INQUIRIES



Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While GPW deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a **2-working day turnaround time for processing notices** received according to the business rules and deadline submissions.

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A reminder that documents must be attached separately in your email to GPW. (In other words, your email should have an Adobe Form plus proof of payment/purchase order – 2 separate attachments – where notice content is applicable, it should also be a 3rd separate attachment).

REMINDER OF THE GPW BUSINESS RULES

- ☐ Single notice, single email – with proof of payment or purchase order.
- ☐ All documents must be attached separately in your email to GPW.
- ☐ 1 notice = 1 form, i.e. each notice must be on a separate form
- ☐ Please submit your notice **ONLY ONCE**.
- ☐ Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
- ☐ The notice information that you send us on the form is what we publish. Please do not put any instructions in the email body.

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National, Provincial, Road Carrier Permits and Tender notices will pay the price as published in the Government Gazettes.

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No. *No.*

MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

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MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

MUNICIPAL NOTICE 11 OF 2016

NEWCASTLE MUNICIPALITY



NEWCASTLE OUTDOOR ADVERTISING BY-LAWS

2014

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NEWCASTLE MUNICIPALITY OUTDOOR ADVERTISING BY-LAWS

CHAPTER I**DEFINITIONS AND APPLICATION****1. DEFINITIONS**

In these By-laws, unless the context otherwise indicated –

“Advertising sign” means a screen, fence, wall, or other structure in a fixed position to be used, or intended to be used, for purpose of posting, displaying, exhibiting any advertisement or indicating the direction or distance to facility, locality, activity, service or enterprise.

“Advertisement” means any visible representation of a word, name, letter, figure, object, mark or symbol or of an abbreviation of a word or name, or of any combination of such element with the object of transferring information.

“Advertising” means the act or process of notifying, warning, informing, making known or any other act of transferring information in a visible manner.

“Advertising Policy” means the Policy on Outdoor Advertising as adopted by the Council of the Newcastle Municipality, as amended from time to time.

“Advertising device” means any physical device, which is used to display an advertisement or which is in itself an advertisement.

“Advertising signage structure” means any physical structure built to display advertising.

“Advertising vehicle” means a vehicle constructed or adapted for use primarily for the display of advertisements.

“Aerial advertisement” means any sign which is affixed to or produced any form of aircraft (including balloon, kite and inflatable) and which is displayed in the air.

“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”(For the purpose of Locality Bound Advertising) means the person/s by whom an application for permission to erect a sign or display an advertisement is made, which application shall be endorsed by the owner of the premises upon which such advertisement or sign is to be located.

“Applicant” (For the purpose of Non Locality Bound Advertising) means the registered owner of the property.

“Application” in relation to advertising sign/s may include all proposed advertising signs.

“Appropriate” means that the dimensions, installation, materials, place and/or supports are suitable for- and appropriate in all circumstances of the case in the opinion of the delegated officer for advertising signs.

“Approval” means approval by the Newcastle Municipality or its duly delegated officials and “authorisation” has a corresponding meaning.

“Arcade” means a covered pedestrian thoroughfare not vested in the Council, whether or not located at the ground level passing wholly or partly through a building and to which the public normally has regular and unrestricted access.

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

“Arterial road” means a road which, in the option of the Council, functions as a main carrier of traffic within an area.

“Backlight units” (backlit) means advertising structure which house illumination in a box to throw light through translucent advertising printed on a plastic or heavy duty paper for a higher visibility and extended night viewing.

“Balcony” means a platform projected from a wall, enclosed by railing, balustrade or similar structure, supported by columns or cantilevered out and accessible from an upper-floor door or window.

“Basic landscape sensitivity” indicates the visual or aesthetic sensitivity of the landscape with regards to the outdoor advertisements and designs in term of three basic landscape types, which are, in order of sensitivity, natural, rural and urban landscapes.

“Billboard” means any screen, board, hoarding, fence, wall or free standing structures larger than 4.5m², supported by free standing structure, which is to be used or intended to be used for purpose of posting, displaying or exhibiting an advertisement and which is commonly known as advertising hoarding. The main function of billboard is to advertise non-locality bound products, activities, or services.

“Bill-sticking” also commonly referred to as a “fly poster”, means any advertisement including a poster pasted by means of an adhesive directly onto an existing surface not intended specifically for the display of a poster.

“Bit” means the basic unit for measuring the length of advertising messages and may consist of letters, digits, symbols, logos, graphics or abbreviations.

“Blind” means a vertical screen attached to shop window or verandas in order to keep sun or rain from shop fronts and sidewalks, and which may be rolled up when not in use.

“Building” means a structure with or without walls, having a roof or canopy and normal means of ingress and egress under such roof or canopy.

“Bus shelter display” means a posters positioned as an integral part of free-standing covered structure at a bus stop.

“Canopy” means a rigid roof-like projection from the wall of a building;

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

“Change of Face” means an alteration to the content of the advertisement displayed on an approved signage structure;

“Charge determined by the Council” means the appropriate charge set forth in a by-laws and/or tariff of charge made by the Council.

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

“Combination sign” also referred to as cluster sign means a single free-standing advertising structure for displaying information on various enterprises and services at the locations such as roadside, service areas, urban shopping centers and other urban complexes.

“Council” means the Newcastle Municipality and its successors in law, and includes the Council of that Municipality or its Executive Committee or any other body acting by virtue of any power delegated in him/her as well as any officer to whom the Executive Committee has delegated any powers and duties with regard to these Bylaws.

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

“Cut-outs” means letters, packages, figures or mechanical devices attached to the face of an outdoor sign, which might extend beyond the rectangular are for greater attention value, can provide a three dimensional effect and also commonly known as add-ons or embellishment.

“Depth of a sign” means the vertical distance between the uppermost and lowest edges of the sign;

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

“Designated areas” are areas of maximum, partial or minimum control that have been specifically designated in the policy for the display of various types of advertising signs as amended from time to time.

“Directional sign” means a type of guidance sign used to indicate to the road users the direction to be taken in order that they may reach their intended destination.

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

“Display period” means the exposure time during which the individual advertising message is displayed.

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

“Election advertisement” means an advertisement used in connection with any national, provincial, or municipal election, by-election or referendum.

“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.

“Erf” means any piece of land registered in a deeds registry as an erf, lot, plot, stand, or agriculture holding

“Estate agents’ board or show sign” means an advertisement that is temporarily displayed to advertise that land, premises, development or other fixed properties are for sale or to let and to direct potential buyers to said land, premises, development or fixed property.

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

“Flashing Advertisement” means an electric advertisement which intermittently appears and disappears;

“Flat sign” means any wall sign, other than a projecting sign, which is directly attached to the face of an external wall of a building or structure;

“Free-standing sign” means any immobile sign which is not attached to a building or any structure or object not intended to be used for primary purpose of advertising.

“Gantry” means a freestanding advertising sign that extends over, or suspends across.

“Gateway” means a prominent entrance or exit from an urban area or a specific part of urban area, consisting of a man-made or natural features and creating a strong sense of arrival or departure.

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

“Ground Sign” is a self-supporting sign embedded and fixed in the ground and which is not attached to a building or a wall.

“Height of a sign” means the vertical distance between the uppermost and lowest edges of the sign.

“Human living environment” refers to all human settlements such as villages, towns or cities, which may consist of various components such as residential, employment and recreation areas and which require environmental management to provide services such as water, public spaces and waste removal and to protect the quality of the environment.

“Illuminated” means an advertising structure which has been installed with the electrical or other power for the purpose of illumination of the message of such sign.

“Illuminated Advertisement” means an advertisement which is illuminated, by any means whatsoever with electrical current or is otherwise made luminous

“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.

“Movable temporary sign” also termed as **mobile or transit sign** means an advertisement attached to or displayed on a vehicle, vessel or craft on land, in water or in air.

“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 body” is a body established to promote a social goal without the personal financial gain of any individual or profit making commercial organization 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.

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

“Outdoor Advertising” means any form of advertising as defined, visible from any street or public place and which takes place outdoors.

“Overall height” in relation to a sign, means the vertical distance between the uppermost edge of the sign and the natural ground level.

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

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

“Posters” 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.

“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 a building and protrudes more than 300mm from the wall of such building;

“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 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.

“Remote or third party advertising” means that the content of such advertisement is unrelated to anything being undertaken on the premises on which such advertisement is displayed.

“Residential purposes” means the use of a building as a dwelling house, two or more dwelling units, a hostel, a boarding house, and a residential club.

“Return Wall” means any external wall of a building or any other wall, which faces any boundary other than a street façade.

“Road Reserve” means the area contained within the statutory width of a road.

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

“Road Traffic Sign” means any road traffic sign as defined in the Road Traffic Act.

“Roof sign” means a sign on the roof of a building lower than fifteen floors and which building is used for commercial, office, industrial or entertainment purposes.

“Rotating sign” means a sign, which rotates about any axis.

“Running light sign” means any sign or portion of a sign in a form of an illuminated strip, the illumination of which varies periodically in such way as convey the impression of the pattern of the light moving steadily along such strip.

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

“Sign” means any signboard, structure, device or anything used, intended or adapted for the display of an advertisement.

“Signalized traffic intersection” means an intersection controlled by traffic lights.

“Sky sign” means a sign on top of a skyscraper building higher than fifteen floors located within the area of jurisdiction of Newcastle Municipality 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 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” means any sign or advertisement displayed in combination with street naming.

“Temporary sign” means any sign or advertisement displayed for a temporary period at the discretion of the Municipality.

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

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

“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.

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

"Zone" means the land use zone as defined in the Newcastle Planning Scheme in course of preparation.

2. APPLICATION AND RESPONSIBILITY FOR COMPLYING WITH BY-LAWS

- (1) These By-laws apply to all outdoor advertising in the area and jurisdiction of the Council.
- (2) Approval for outdoor advertising in terms of these By-laws is required irrespective of the zoning of any property in terms of any applicable town planning scheme and irrespective of provision of any other law.
- (3) The owner of the advertising sign and any other person who has applied for approval of advertising sign in terms of these By-laws must comply with the provisions of these By-laws relating to the sign and ensure that such provisions are complied with, subject to anything to the contrary contained in such provision.

CHAPTER II

AREAS OF CONTROLS, SIGNS, AND REQUIREMENTS AND CONDITIONS THAT RELATES TO EACH SIGN

3. AREAS OF CONTROL AND EXEMPTIONS

- (1) The areas of control as contained in Schedule 36 and may be re-classified by resolution of the municipality from time to time, pertain.
- (2) For the purposes of these By-laws the following areas of control exist:
 - (a) Rural areas of maximum control
 - (b) Urban areas of maximum control
 - (c) Rural areas of partial control
 - (d) Urban areas of partial control
 - (e) Rural areas of minimum control
 - (f) Urban areas of minimum control
- (3) A person who intends to display a sign must verify that a sign may be displayed in a particular area of control.
- (4) The municipality has determined and declared the areas set out in Schedule 38 to be prohibited advertising areas within which no person may display any sign or advertisement.
- (5) The areas of control in which particular classes and the types of signs that may be displayed are identified in the Schedules which are specified in section 7(2).
- (6) Extraordinary circumstances prevailing in a certain area in the municipality may require the municipality to declare the area exempt from the provisions of these by-laws, and determining

whether extraordinary circumstances exist which justify exemption, one or more of the following may be taken into consideration:

- (a) Whether an urban renewal programme is in place which warrants a unique approach to outdoor advertising within a focus area;
- (b) Whether exemption from these by-laws will contribute to success of the urban renewal programme;
- (c) Whether the organiser of an international sport, arts or culture festival require exemption from the by-laws to contribute to the success of the said festival;
- (d) The nature and function of the defined area;
- (e) The enhancement of the defined area, which can be achieved by means of exemptions;
- (f) The financial benefit to either or both municipality or the urban renewal programme accruing from such as exemption;
- (g) The nature and extent of outdoor advertising, which will be permitted in terms of the proposed exemption; and
- (h) Whether the exemption granted will be in the public's general interests.

(7) In the event of a special event, the municipality may, on application and payment of the fee determined by the municipality, grant, subject to any conditions it may deem necessary, an exemption from specific terms of these by-laws in respect of the sign types or areas of control, having regard to –

- (a) The area of control where it is proposed to display the sign;
- (b) The nature of the event;
- (c) The duration of the erection or display of the sign;
- (d) The size of the proposed sign;
- (e) Any traffic, safety, environmental or heritage impact assessment as may be required by the municipality; and
- (f) The outcome of any public participation process, if so required by the municipality.

4. SIGNS AND REQUIREMENTS

(1) Type of Signs (Classes)

- (a) Billboards and other high impact free-standing signs.
- (b) Posters, general signs and temporal advertisement.
- (c) Signs on buildings, structures and premises.
- (d) Signs for tourist and traveler.
- (e) Mobile signs.

NOTE: The schedules in section 5 have effect and will deal with definitions.

(2) REQUIREMENTS

Specific or deemed requirements are prescribed in the advertising sign By-laws as amended. The procedure to be followed for application and approval is clearly set out in the SAMOAC. Approvals may

be subject to certain technical requirements and conditions to be met and in certain high profile location approval of third party advertising may include donation of the portion of the time and/or space to be made available to promote Newcastle Municipality.

5. SCHEDULES

(1) The classes of signs, the signs, and the Schedules that relate to each of the signs, are as follows:

- (a) Class 1: billboards and other high-impact free-standing signs, comprising –
 - (i) class 1(a), super billboards, schedule 1;
 - (ii) class 1(b), custom-made billboards, schedule 2;
 - (iii) class 1(c), large billboards, schedule 3; and
 - (i) class 1(d), small billboards and tower structures, schedule 4;
- (b) class 2: posters and general signs, comprising –
 - (i) class 2(a), large posters and signs on street furniture, schedule 5;
 - (ii) class 2(b), banners, flags and inflatables, schedule 6;
 - (iii) class 2(c), suburban signs, schedule 7;
 - (iv) class 2(d), temporary signs, comprising –
 - (aa) class 2(d) (i), estate agents' boards, schedule 8;
 - (bb) class 2(d) (ii), sale of goods, property or livestock signs,
- (c) Class 3: sign on the buildings, structures and premises, comprising -
 - (i) class 3(a), sky sign, schedule 16;
 - (ii) class 3(b), roof sign, schedule 17;
 - (iii) class 3 (c), flat sign, schedule 18;
 - (iv) class 3(d), projected signs, schedule 19;
 - (v) class 3(e), veranda, balcony, canopy, under awning signs, schedule 20;
 - (vi) class 3(f), signs painted on the walls and roofs, schedule 21;
 - (vii) class 3(g), windows signs, schedule 22;
 - (viii) class 3(h), signs incorporated in fabric of building, schedule 23;
 - (ix) class 3(i), signs on the forecourts of business premises, schedule 24;
 - (x) class 3(j), signs for residential-oriented land use and community service, schedule 25;
 - (xi) class 3(k), on-premises business sign, schedule 26;
 - (xii) class 3(l), sign on the towers, bridges and pylons, schedule 27;
 - (xiii) class 3(m), signs on construction site boundary walls and fences, schedule 28;
- (g) Class 4: sign for tourists and travelers, comprising –
 - (i) class 4(a), sponsored road traffic projects signs, schedule 29
 - (ii) class 4(b), service facility signs, schedule 30;
 - (iii) class 4(c), tourism signs, schedule 31;
 - (iv) class 4(d), functional advertising sign by public bodies, schedule 32;
- (h) Class 5: mobile signs, comprising –
 - (i) Class 5(a), aerial signs, schedule 33;

- (ii) Class 5(b), vehicular advertising, schedule 34; and
 - (iii) Class 5(c), trailer advertising, schedule 35.
- (2) The areas of control are set out schedule 36.
- (3) The figures which illustrate the restriction on advertising opportunities inside and adjacent to road reserves at traffic intersections are contained in schedule 36.
- (4) The areas in which the display of signs is prohibited are set out 38.

CHAPTER III

CONSENT AND WITHDRAWAL OR AMENDMENT OF CONSENT

6. APPLICATIONS AND APPROVALS

- (1) No person may erect any advertising sign or use or continue to use any advertising sign or any structure or device as an advertising sign without the written approval of the Council: Provided that the provisions of this do not apply to any sign exempted.
- (2) No advertising sign erected and displayed with approval contemplated or any by-law repealed by section 34, may in any way be altered, removed, re-erected or upgraded, other than for maintenance work which may be required for the upkeep of the advertising sign, without prior written approval of the Council and subject to such conditions and requirement as Council may consider appropriate which may include the submission of proof of compliance with section 30.
- (3) An application for approval must be made by submitting a duly completed application on a prescribed form which must be accompanied by -
- (a) The prescribed fee;
 - (b) the written consent of the owner of the proposed advertising sign and of the registered owner of the property or building upon which the advertising sign is to be erected or on behalf of the owner of the property or building by his or her agent duly authorized in writing by such owner;
 - (c) A locality plan, in colour, indicating the proposed position of the advertising sign within the area of jurisdiction of the Council;
 - (d) A block plan of the property upon which an advertising sign is to be erected, drawn to scale accepted by Council, showing every building, building line and servitude on the site and position with dimensions of the advertising sign in relation to the two boundaries of the property closest to the proposed advertising sign and the location of any public street and any building on a property adjacent to the property upon which such sign is to be erected;
 - (e) An artistic impression showing all the detail, location and measurements of the proposed advertising sign;

- (f) A drawing showing the proposed advertising sign and the distances in relation to any other 3rd party or free-standing advertising sign situated within 150m from the proposed advertising sign on the same side of the road;
- (g) A diagram showing the proposed position of the advertising sign is in conformity with figure 1 of Schedule 37 (2), if applicable;
- (h) A copy of title deed of the property upon which the proposed advertising sign is to be erected, if applicable;
- (i) A zoning certificate of the property concerned issued under the applicable town planning scheme and zoning map indicating the land uses in terms of such scheme of every property adjacent to the property upon which the advertising sign is to be erected;
- (j) A diagram of the property indicating the position of the proposed advertising sign with measurements from the position to the closest two boundaries of the property concerned;
- (k) Proof of compliance with other laws, including but not limited to, the National Road Traffic Act, the National Building Regulations and Building Standard Act, to the extent that such law is applicable in respect of the application concerned;
- (l) Proof of submission of an application for a building relaxation in terms of any law, if applicable;
- (m) If the proposed advertising sign is to be attached, or displayed on, the façade of a building, the approved building plans of that building showing elevation and measurements of the building, and details, measurements and position of the proposed advertising sign and the details and the positions of the every existing advertising sign on the drawn to a scale acceptable to the Council;
- (n) If a proposed advertising sign is to be displayed on a boundary fence or hoarding enclosed any portion, or the whole of construction site as contemplated in regulation F1 to the National Building Regulations and Building Standards Act, the approved building plans of the proposed building showing the details, measurements and position of the proposed advertising sign drawn to scale acceptable to Council, or proof that 7(6) has been granted, or proof that a demolition permit has been issued under the same Act, which ever is applicable;
- (o) A certificate by a registered person as envisaged by provisions of the National Building Regulations and Building Standards Act, 103 of 1977, confirming the structural safety of the proposed advertising sign and it foundations, if applicable; and
- (p) Any other written information which the Council may in writing require.

- (4) The Council may at its discretion exempt an applicant from complying with any of the above requirements on good cause shown.
- (5) Every Plan and drawing required must be on a sheet of not less than A4 size.
- (6) The Council must refuse to accept an application if-
 - (a) Subject to any requirement has not been complied with; or
 - (b) The application relates to an advertising sign which is prohibited in terms of section 15.
- (7) If any information requested by Council in terms of section 6(3) (p) is not provided within 90 days from the date of first written request, or within such further period as the Council may in writing permit, the application concerned lapses without further notice.

7. CONTRACTS

- (7) The municipality may require from a person who intends to display a sign –
 - (a) to enter into a contract, such as, but not limited to, an agreement, with the municipality where the sign is to be attached to a municipal asset, or to be erected on municipal land or land vested in the municipality, and the municipality will determine the duration of the contract and the fees to be paid by the person to the municipality; and
 - (b) where the municipality so requires, to sign an indemnity form in favour of the municipality and the municipality's service providers.

8. DEEMED CONSENT

- (1) Deemed consent is hereby granted for the display of those particular classes and types of signs as specified in the Schedules, in the areas of control contemplated for each such class or type of sign, and persons displaying those particular classes and types of signs do not need to apply for consent, subject to subsection(2) .
- (2) The said deemed consent to display a sign is not absolute.
- (3) A person who intends to display a sign on private or municipal land and has deemed consent is exempt from the provisions of section 10, but must comply with sections 18, 19, 20, 21 and 22.
- (4) The municipality has the right to determine areas of control and control measures related to certain types of signs to which deemed consent is applicable.

9. CONSIDERATION OF APPLICATIONS AND RENEWAL

(1) In considering an application submitted in terms of section 6(3), the Council must, in addition to any other relevant factors, legislation, policy and by-laws of the Council, have due regard to the following:

- (a) The compatibility of the proposed advertising sign with the environment and with the amenity of the immediate neighbourhood, urban design and street scape;
- (b) Whether the proposed sign will –
 - (i) Have negative impact on any property zoned for residential purpose under applicable town planning scheme; or
 - (ii) Constitute danger to any person or property or motorist or pedestrians or obstruct vehicular or pedestrian traffic;
 - (iii) In any way impair the visibility of any road traffic sign;
 - (iv) Obscure any existing and legally erected advertising sign;
 - (v) Obscure any feature which in the opinion of the Council is a natural feature, architectural feature or visual line of civic, architectural, historical or heritage significance; or
 - (vi) In the Council's opinion, be unsightly or objectionable or detrimentally impact on architectural design of any building on the property concerned or any adjacent property.
- (c) The number of advertising signs displayed or to be displayed on the property concerned and on any adjacent property and its visibility in a circumstance in which it will be viewed in compliance with the minimum distances specified in section 17(2)(a);
- (d) Any restrictive or other condition and existing building line and servitude specified in a title deed, town planning scheme, condition of establishment or any other law;
- (e) The area of control applicable to the property on which the proposed advertising sign is to be erected and immediate surrounding area as set in section 3;
- (f) Any comments submitted by and conditions determined or prescribed by a statutory authority in terms of any legislation applicable to outdoor advertising;
- (g) Any written representations, objections and comments received from any interested party; or
- (h) Any conflict provision of these By-laws.

(2)

- (a) The Council may refuse any application in terms of section 6(3) or approve it, subject to any amendment or condition it considers appropriate.
- (b) Any approval in terms of paragraph (a) may be for a period not exceeding 3 years.
- (c) The period of approval contemplated on paragraph (b) must be specified in the approval.

(3) The Council must within 21 days from the date of decision in writing, notify every interested party who has furnished his or her postal address to the Council, of its decision, and must provide written

reason for its decision on receipt of written request as contemplated in section 5 of Promotion of Administrative Justice, Act 3 of 2000.

(4) The Council must for its records retain every application, plans, drawings and other documentation submitted in terms of section 6(3) for period it considers appropriate.

(5) No approval granted in terms of this section has the effect that-

- (a) Any person is exempted from any provisions of any other applicable to outdoor advertising; or
- (b) The owner of an advertising sign is exempted from duty to ensure that such sign is designed, erected, completed, displayed and maintained in accordance with the provisions of these By-laws any other applicable law.

(6) If an application submitted in terms of section 6(3) has been refused, no further application may be lodged in respect of the same property for two years from the date of such refusal, unless motivation acceptable to the Council is Submitted indicating a change of circumstances prior to a further application being lodged in terms of that section.

(7) If an advertising sign is approved is not erected within six months from date of notification of such approval or any further period which the Council good cause shown allows in writing, the approval lapses, where after a new application must be submitted in terms of 6(3).

(8) When a time period, which was specified in the approval expires, an application for renewal must, at least 60 days, if possible, prior to the expiry, be submitted for consideration of approval should a person who displays a sign intends to continue the display of the sign, and should the municipality refuse consent to display the sign, the person who displays the sign must forthwith cease to display the sign.

(9) A person who must cease to display a sign must remove all structures or supports on which the sign was erected and rehabilitate the site on which the structures were erected.

(10) All approved signs or advertisements should display an official sticker, number or other identifiable mark, developed and issued by municipality that can be used to determine the details of the sign. Signs without such identifying stickers, numbers or marks will be regarded as illegal and will be removed without any notice to the advertiser;

(11) No person may in any manner whatsoever destroy, harm, damage or disfigure or deface the front or frontage of any municipal property, land, rock, tree or other natural feature or the front or frontage or roof of any building or structure during construction of or by the display or use of a sign or during the writing or painting of any sign.

10. WITHDRAWAL OR AMENDMENT OF CONSENT

(1) If a sign or its display –

- (a) does not comply with any one or more of the provisions of these By-laws;
- (b) is in a state of disrepair;

- (c) constitutes a danger to members of the public;
- (d) is erected on municipal property, which property is required for municipal purposes after approval was given; or
- (e) is undesirable in terms of section 8(4)(b),
- (f) needs to be removed or relocated to prevent competition with essential new road traffic signage or traffic control measures as a result of road or traffic control improvements;
- (g) had been approved as a result of a misrepresentation by an applicant; the municipality may at any time, and if necessary to do so to remedy a substantial injury to the amenity of the locality, decide to take any one or more of the following actions:
 - (i) to withdraw its consent for the display of a sign;
 - (ii) to amend any condition relating to the display of a sign;
 - (iii) to impose a further condition to the display of a sign; or
 - (iv) to order that the display of the sign be discontinued.

(2) In extraordinary circumstances, such as required by the organisers of an international sports, arts or cultural event, the municipality may require from advertisers in certain areas of the municipality, to remove, cover up or cease to display all signs indicated by the municipality for a specific period of time, as required by the organisers of the event to contribute to the success of such an event, and –

- (a) the municipality shall not be liable to pay any compensation to the advertisers of these signs for the determined period;
- (b) the municipality shall inform such advertisers by way of notices as prescribed in subsection (3);
- (c) the municipality shall extend the approval period or lease agreement of an advertiser referred to in this subsection, whichever is applicable, with the same period as the advertiser was required to cover up or remove his sign in terms of this subsection; and
- (d) the municipality shall be entitled to remove such signs, cease to display or cover up such signs if an advertiser fails to comply with the said notice.

(3) The municipality must serve a notice of its decision on the person who displays the sign, and the notice must –

- (a) specify a period within which the sign is to be removed, or within which the use of the site is to be discontinued, and contain a full statement of the reasons why the display of the sign must be terminated; or
- (b) specify any amendment to a condition relating to the display of the sign, and if applicable, a time period relating to the amendment; or
- (c) specify any further condition which is imposed, such as, but not limited to, the remediation of the site on which the sign was displayed to its original condition, and if applicable a time period relating to the further condition; or
- (d) if consent for the display of the sign is withdrawn, inform the person who displays the sign to remove the sign immediately, and
- (e) specify the sign or the site to which it relates.

(4) Where an advertisement is approved along a provincial or national road by another responsible road authority, the permission of the municipality must also be obtained if the advertisement will be located in the jurisdiction of the municipality, or where the signs will be visible from any municipal roads. Similarly, where the municipality approves a sign that will be focused on a provincial or national road, the permission of the relevant road authority also needs to be obtained and proof of such permission provided to the Municipality before a sign may be displayed;

(5) The Municipality may, after at least 14 days written notice to the advertiser, at any time, withdraw an approval granted by it or its predecessor, or amend any condition or impose a further condition in respect of consent granted, if a sign or sign structure –

- (a) is in a state of disrepair;
- (b) stands empty for more than 90 consecutive days;
- (c) no longer complies with any provision of these by-laws; or
- (d) is substantially altered in any way from the original sign or structure that was approved.

CHAPTER IV

DISPLAY OF UNAUTHORISED SIGN, ALTERATION OF EXISTING SIGN, DEPARTURE FROM APPROVED FORM OR PLAN, EXEMPT SIGNS, PROHIBITED SIGNS, AND TEMPORARY SIGNS

11. DISPLAY OF UNAUTHORISED SIGN

- (1) No person may display an unauthorised sign on private or municipal land.
- (2) A person who displays an unauthorised sign on private or municipal land must, after service on him or her of a notice of compliance in terms of section 25(2) to that effect, immediately cease to display the sign by removing it and the structures on which the sign is affixed.
- (3) If, before the date specified in the notice, the person satisfies the municipality that he or she has complied with the provisions of these By-laws, the municipality may withdraw the notice.

12. ALTERATION OF EXISTING SIGN

- (1) No person may, without the prior approval of the municipality, alter an existing sign on private or municipal land in instances where the display of the sign is subject to specific consent.
- (2) A person who alters such a sign displayed on private or Municipal land must, after service on him or her of a notice of compliance in terms of section 25(2) to that effect, immediately cease or cause to cease any alteration to the existing sign and must restore it to the to the state or display which had been approved by the municipality.

13. DEPARTURE FROM APPROVED FORM OR PLAN

- (1) No person, having obtained specific consent for the display of a sign on private or

Municipal land, may do anything in relation to the sign which is a departure from any form or plan approved by the municipality.

(2) A person must, after the service upon him or her of a notice of compliance in terms of section 25(2) to that effect, immediately discontinue or cause to be discontinued such departure.

14. EXEMPT SIGNS

(1) Advertisers wishing to display signs which are exempted from the provisions of these by-laws, must apply for their display or not, as set out in this section, and no application fees are payable for signs that are approved as exempted signs.

(2) Exempted signs that are not displayed towards public places may not be aesthetically displeasing as viewed from any public place.

(3) Display of the following sign is exempt from the provisions of these by-laws:

- a) Any sign displayed inside an arcade, sports stadium or shopping mall, which is not visible from outside the arcade, stadium or shopping mall;
- 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 displayed on an approved advertising hoarding, which complies with other relevant requirements of this policy;
- e) Any banner or flag carried through the streets as part of a procession;
- f) any sign advertising a current event in a cinema, theatre or other place of public entertainment, displayed in a fixture or building especially made for such display providing such bill, poster or the like does not exceed 0.6 m² in area;
- g) any sign not exceeding the sizes specified hereunder, which is displayed on a site where a building, swimming pool, tennis court, paving, fencing or garden landscaping or any other structure is in the course of being constructed, erected, carried out or altered and which describes the building or structure being erected or other work or activity being carried out, and which displays the names of the contractors or consultants concerned in such work or activity and identifies the branches of the industry or the professions represented by them, during the course of such construction, erection, carrying out of alterations as the case may be: Provided that only one such sign, or set of signs shall be permitted per street frontage of a site; and which

is placed on or affixed to the building concerned or attached parallel on the boundary fence of the erf on which the building is situated. Such signs are to be removed within 21 days of the completion of the contract. Signage for ongoing maintenance contracts is not permitted;

- (i) Project boards, 4.5m² and with a maximum erected height of 4m, giving the names of Architects, Consultants and Contractors;
 - (ii) Individual Contractors and Sub-Contractor's Board: 2m².
- h) any sign in a locality wholly or mainly used for residential purposes, other than a brass plate or board not exceeding 600mm x 450mm in size, affixed indicating the name, address and telephone number of a security company contracted to protect the property, provided that only one sign per stand or subdivision shall be permitted and such sign shall be firmly affixed to the boundary wall, fence or gates on the street frontage;
- i) One sign not exceeding 600mm x 450mm in size on each street boundary of an erf or portion of an erf which sign indicates the existence of a commercial security service, burglar alarm system etc;
- j) Signs not exceeding 0,25 m² in an area affixed to the wall of a building or erected within the boundary line indicating that the property can be leased and by whom it is maintained;
- k) Flat signs indicating merely the name of the building, its occupier, and his profession or business, provided that it does not project above or beyond the walls of the building upon which it is displayed and be no greater than 4.5m² in area. Any flat sign exceeding 4, 5 m² in area must be submitted for approval. In the event that there is more than one business being conducted from the building, the combined area of signs displayed may not be greater than 50% of the area of the wall of the building upon which they are displayed;
- l) Signs relating to the immediate sale of newspapers and the like displayed upon the premises from which said newspaper or the like is available for sale or distribution;
- m) Signs displayed upon a vehicle ordinarily in use as such;
- n) Signs affixed flat on any part of a building which display only the name, address and telephone number of the premises or the occupier or occupiers thereof, with or without a general description of the type of business lawfully conducted on such premises and the hours of attendance; provided that any such signs do not exceed 0, 4 m² in area and do not project more than 75 mm from the surface on which they are affixed;
- o) Signs not exceeding 0, 4 m² in area displayed within the curtilage of the premises to which they relate, which are designed solely for the direction of persons entering upon such premises and do not advertise any merchantable articles or goods;
- p) Signs displayed from the interiors of any building enclosed by walls, windows and doors.

- q) Signs which, on merit, are exempted by the Municipal Manager in consultation with the Development Planning and Human Settlement Portfolio Committee of the Newcastle Municipality;
- r) Road Traffic signs erected in terms of any Act of Parliament, Provincial Ordinance or By-law;
- s) Any sign erected as a specific requirement in terms of any By-law, Provincial Ordinance or Act of Parliament;
- t) Any transit sign, which is mobile at all times and complies with all requirements of the Road Traffic Act.
- u) On Municipal land, a sign which is owned by the municipality and displayed on the initiation of the municipality. Advertisers should apply for approval for the display of these signs in terms of the bylaws;
- v) a sign displayed inside a sports stadium, sports club, school or other institute of learning, an which is not visible from outside the stadium, sports club, school or institute of learning.
- w) Any price ticket which is smaller than 0, 01 m² on an item that is displayed in a shop window. Advertisers do not have to apply for approval of these signs.
- (n) Any advertisement on a portable board displayed on a street or public place including a road reserve;
- (o) Advertisement or signs on top of a canopy or veranda unless it consists of individual cutout fabricated or boxed letters not exceeding 750mm in height to which maybe added not more than two symbols and not exceeding 1m in height and which shall be mounted separately to the letters;
- (p) Advertisements painted, displayed or erected as a roof sign in any area other than industrial zone;
- (q) Advertisements or signs made of certain materials not considered by the Council to be suitable or appropriate for the intended purpose;
- (r) Any sign on or between the columns of a verandah or canopy beyond the street line;
- (s) Any sign which projects above or below any fascia, bearer, beam or balustrade of a street verandah or balcony;
- (t) Any luminous or illuminated sign which is fixed to any fascia, bearer, beam or balustrade of any splayed or rounded corner of a street verandah or balcony;
- (u) Any sign suspended across a street unless otherwise approved by Council;

- (v) Any sign on calico, paper machete, woven or similar material unless consisting of flex face within an approved advertising sign;
 - (w) Any sign which may either obscure a road Traffic sign, be mistaken for with or interfere with the functioning of a road traffic sign;
 - (x) Any sign which may obscure Traffic by restricting motorists' vision and lines of sight thus endangering motorists' safety;
 - (y) Any sign or signs, the total area of which exceeds 4,5m², painted or fixed on a wall of a building not being a front wall of such building, unless specifically approved by the Newcastle Municipality;
 - (z) Any sign painted on any fence or boundary wall, not being an approved sign or hoarding;
 - (aa) Any sign which may obstruct pedestrian or vehicular traffic;
 - (bb) Any transit advertising sign that is parked in public view irrespective of whether it is attached to a vehicle or not unless specifically approved by Council;
 - (cc) Any temporary sign for commercial or third-party advertising erected on Council land or land vested in the Council, unless by prior signed encroachment agreement or contract with the Council;
 - (dd) Any sign attached to a bridge or any other Council asset, unless by prior signed agreement or contract with the Council;
 - (ee) Any third party advertising sign on any property, whether privately or municipally owned or controlled, other than specifically approved by Council;
 - (ff) Any sign or poster attached to a Road Traffic Sign;
 - (gg) Banners, save as provided for within this Policy;
 - (hh) Sky signs within any area of maximum control, or in areas of partial or minimal control that are placed within a predominantly residential area;
 - (ii) Any sign containing third party advertising unless displayed with specific Council approval.
 - (jj) unless approval has been obtained, an advertisement or any distribution of pamphlets or promotional material, inside a road reserve.
- (2) No vehicle to which is attached or on which is displayed an advertisement, may be parked in any area of control with the sole purpose of drawing the public's attention to the advertisement attached to or displayed on the vehicle.
- (3) No sign may be displayed in an area identified in Schedule 38.

- (4) Merchandise may not be displayed for purposes of advertisement in an area that has not been approved by the Municipality for the display of merchandise.
- (5) The following advertising signs and advertisements are exempted from compliance with the provision section 6 but must comply with any other applicable provision of these By-laws:
 - (a) Any advertisements not in conflict with any provisions of these By-laws displayed on an advertising sign approved in terms of section 9(2);
 - (b) A poster relating to voter registration for purpose of an election displayed by Independent Electoral Commission in terms of section 16;
 - (c) A poster advising of national, provincial government and local government event or activity, subject to compliance with section 16;
 - (d) A poster advising of an event, activity, function or meeting organized by registered political party, subject to compliance with section 16;
 - (e) An advertising sign provided for in terms of schedule 14, 19, 20, 22, 25, 28, 29, 31 and 32, and complying with applicable requirements of those Schedules.

15. PROHIBITED SIGNS

- (1) In addition to any other prohibition, expressed or implied, in these By-laws, no person may erect, maintain or display any advertising sign-
 - (a) Painted on, attached to, or attached between the columns or posts of, a veranda;
 - (b) Which project above or below fascia, bearer, beam or balustrade of veranda or balcony on a public street;
 - (c) Which is luminous or illuminated and which is attached to fascia, bearer, beam or balustrade of any splayed corner of a veranda or balcony fronting on a public street;
 - (d) On calico, paper machete, plastic, woven or similar material unless-
 - (i) It is an advertising sign contemplated in Schedule 6 or 24;
 - (ii) It consist of flexible face and form part of advertising sign approved in terms of 9(2);
 - (e) Which is swinging sign, not rigidly attached to any building or structure;
 - (f) Which may obscure, or be mistaken for, or interfere with the functioning of, a road traffic sign;
 - (g) Which may endanger the safety of motorists by restricting the vision or line of sight;
 - (h) Which is indecent or suggestive of indecency, prejudicial to public morals, or is insensitive to the public or any portion thereof or any religious or cultural group;
 - (i) Which obstructs any window or opening in a building provided for the ventilation of the building or which obstructs any stairways or doorway or other mean of exit from the building or which will prevent the movement of person from one part of a roof of a building to another part thereof;
 - (j) Which is animated or flashing advertising sign, the frequency of the animations or flashes or other intermittent alternation of which may disturb the residents or occupants of a building or is source of nuisance to the public or detrimentally affect or pose risk or threat to road traffic or pedestrian safety;
 - (k) Which is illuminated advertising sign, the level of illumination of which disturbs the residents or occupants of a building or is a source of nuisance to public or a portion of the public;

- (l) Which is a movable either temporary or permanent sign, other than those allowed in terms of these By-laws.
- (m) If the extent of advertising sign exceeds 30m² and it is painted or fixed on a wall of the building other than front wall of that building unless such sign has been permitted in terms of Schedule 18.
- (n) Which is painted on or attached to a boundary wall or fence which walls or fence has not been approved as an advertising sign in terms of section 9(2);
- (o) Which is a transit advertising sign and parked in or in view of any public place irrespective or whether it is attached to a vehicle or not which does not display the approval disk of Council at all times as per Schedule 35 () of the By-laws;
- (p) Which is attached to a road traffic sign or a tree;
- (q) Which is on a road island, excluding street pole advertising signs;
- (r) Which is attached to security access control structure to any area property or building;
- (s) Which flag displaying 3rd party advertisement on a property zoned for residential purpose in terms of applicable town planning scheme and used for such purpose;
- (t) Which is a gantry which is suspended or extended across public street;
- (u) Which is a painted third party advertising sign onto the roof of building in a residential area;
- (v) On any motorway or within any on- or off-ramps of motorways when local, Provincial or National motorways.

16. TEMPORARY SIGNS, APPROVAL OF POSTERS, AND POSTERS RELATING TO ELECTION (VOTER REGISTRATION)

- (1) The display, at a special event such as a sporting event and a festival, of a temporary sign containing the name of the sponsor is subject to specific consent, and the sign –
 - (a) may be displayed as set out in the Schedules to these by-laws;
 - (b) must be dismantled within two days after the conclusion of the event;
 - (c) may, subject to the provisions of section 5(3), be displayed in all areas of control; and
 - (d) must be located within the boundaries of the demarcated area in which the event takes place.

Approval of posters

- (1) No person may, except for newspaper posters and subject provisions of Section 16(8), display any poster in, or in view of, any public place unless he or she has first obtained the written approval of the Council.
- (2) Application for approval contemplated must be made on a prescribed form and must be accompanied by –
 - (a) Details in writing of every township and street in which the posters concerned are to be displayed;
 - (b) By the prescribed fee; and

- (c) An example of every poster to which application relates;
 - (d) An example of the frame in which poster will be displayed.
- (3) Every poster for which permission is granted must be provided with a sticker supplied by Council and only poster with such sticker may be displayed
- (4) The Council may retain on poster to which an application in terms of subsection 3 relates for identification purposes.
- (5) Any person who displays a poster, for which approval has been granted, must comply with and ensure that the following requirements are complied with:
- (a) No poster may be displayed that it has clear height lower than 2.1m or higher than 3m
 - (b) No poster may be indecent or suggestive of indecency, prejudicial to public moral or reasonably objectionable;
 - (c) No poster may be displayed on any motorway and on- and off-ramp relating to motorway, whether a local, provincial or national motorway;
 - (d) No poster may be positioned in such a manner that it does not obscure or interfere with electrical inspection chamber or pole identification number of pole to which it is attached; and
 - (e) No impair the safety of motorists or pedestrians.
 - (f) No poster may be displayed within 15m of intersection, controlled by road traffic sign;
 - (g) No poster relating to a meeting, function or event, other than national elections or relating to registration of voters, may be displayed for a period exceeding 14 days before the date on which such meeting, function or event commences or longer than 7 days after the date on which it ends;
 - (h) The name and contact details of the person displaying any poster, details of the event advertised, the commencement and final date of the event and the venue with address where it is to be held must appear on every poster;
 - (i) No poster may be displayed for a period exceeding 28 consecutive days for any event advertised; and
 - (j) No poster may be affixed by means of adhesive directly onto any surface of any private property or Council property or asset.
- (6) Subject to approval, a number of posters not exceeding 80, advertising an auction to be held in consequence of an order of Court of Law as a sale execution or sale held by a liquidator or a trustee in an insolvent estate, may be displayed and must contain-
- (a) In the case of sale in execution the relevant case number; or
 - (b) In the case of sale by liquidator or trustee the reference number of the Master of the High Court.
- (7) An authorized official may, without giving notice to anyone, remove any poster displayed without approval having been obtained or which is in conflict with any provision of these By-laws.
- (a) Any poster removed in terms of above paragraph (numbered 7), other than a poster which had to be damaged or destroyed in order to remove it, may be claimed by owner within 21 days of its removal, and if not claimed may be destroyed by an authorized official.

- (b) If owner claims any poster in terms of paragraph (a), the poster concerned must be returned to him or her subject to payment of prescribed fee.
- (c) The Council may recover the prescribe fee contemplated in paragraph (b) from any owner who does not claim his or her poster as contemplated in that paragraph.

Posters relating to election or voter registration

- (8) The following requirement must be complied with in respect of any poster relating to elections or voter registration:
 - (a) Every poster must be attached to a board made of weatherproof material, in such manner that it will not become wholly or partially dislodge by wind or any other means;
 - (b) No board or poster referred to in paragraph (a) may exceed 900mm in height x 600mm in width or less than 600mm in height x 450mm in width;
 - (c) A board and a poster referred to in paragraph (a) may only be secured to electric pole;
 - (d) A poster relating to-
 - (i) a candidate nominated for election may be displayed from a date of such nomination;
 - (ii) an election other than a poster referred to in paragraph (a), or voter registration, may be displayed from the a date-
 - (aa) 14 days prior to date of the proclamation in the Government or Provincial Gazette of the election or voter registration; or
 - (bb) if applicable, 14 days prior to the date of nomination of candidates, whichever date is earlier;
 - (e) any poster contemplated in this section, must be removed by person displaying it within 5 days after conclusion of the election or voter registration, failing which, Council shall within 10 days after the conclusion of the elections or voter registration notify the relevant party to remove the posters within a time period specified, failing which, the Council may remove the posters itself against prescribed fee per poster payable by relevant party.
- (9) The provisions of section 16(5)(a), (b), (c), (d), (e), (f) and (g), read with the necessary change, apply in respect of any poster contemplated in this section, provided that such poster need not placed in frame.
- (10) The provisions of section 16(7) read with the necessary changes apply in respect of posters not complying with the provision of this section.

CHAPTER V
GENERAL REQUIREMENT, DESIGN AND CONSTRUCTION, MAINTENANCE, POSITION, AND
ILLUMINATION OF
SIGNS

17. GENERAL REQUIREMENT OF ADVERTISING SIGNS

(1) The owner of an advertising sign must ensure that such sign is designed or located so as not to-

- (a) be detrimental to the nature of environment, streetscape, urban design or detract from the architecture of any building on which or where such sign is to be located, by reason of abnormal size, appearance, intensity of illumination, workmanship, design or its existence;
- (b) wholly or partially obscure any advertising sign previously erected which displays an advertisement;
- (c) constitute a danger to any person or property;
- (d) projected outside the boundaries of the property on which it is to be erected or displayed;
- (e) results in removal of, or damage to, any trees in a public place without prior written authorization of the Council;
- (f) be unsightly and do not comply minimum distances as prescribed subsection(2)(a) in relation to any other advertising sign;
- (g) have a detrimental visual impact on any residential property within the area.
- (h) Obstruct a fire escape or the means of access to or egress from a fire escape; or
- (i) Comply with minimum clearance with regards to overhead power line stipulated in any law.

(2) Any advertising sign on a public street or facing a public street, including advertising sign facing Provincial Road must comply with the following requirements:

- (a) Except for a street lite pole and on-premises advertising sign, a minimum distance of 100m must be maintained between advertising sign or advertisements on the same side as public street including any Provincial motorway, provided that the Council may require a minimum distance exceeding 100m if it considers it necessary in the interest of road safety; and
- (b) No advertising may be located inside a prohibited area at any off-ramp of a motorway, whether local, provincial or national and in relation to overhead road traffic signs, as depicted in Figure 1 of Schedule 37 (2)(1)

(3) Any advertising sign on a public street or facing a public street, including any Provincial Road, controlled by traffic signs must in addition to any other requirements in terms By-laws comply with the following requirements:

- (a) No advertising sign may have red, amber or green as its main colours;
- (b) No advertising sign may obscure or interfere with any road traffic sign;

- (c) Any advertising sign must be clear of any road traffic signs concerned and must be positioned in compliance with the following:
 - (i) No free-standing on-premises advertising sign greater than 8m² in extent shall be allowed within 50m radius from the centre of an intersection;
 - (ii) No street furniture used for advertising or a sign containing the name of the suburb and an advertising at the intersection may be within 5m from the any road traffic sign;
 - (iii) Except for advertising sign flat against a building and contraction site advertising signs, any other third party sign must be positioned at least 50m from the centre of the intersection; and
- (4) Traffic flow may not be impeded during the erection and maintenance of an advertising sign located in a public street, unless prior permission has been obtained and necessary precaution arranged with Council.
- (5) No advertisement displayed on a freestanding third-party advertising sign on any property may exceed-
 - (a) in an area of partial control, 40m²; and
 - (b) in an area of minimum control, 120m².
- (6) The height of an advertising sign may not exceed 12 with clear height of 2,1m Provided that Council may granting an application in terms of 9(2), approved a height in excess of those mentioned above.

18. DESIGN AND CONSTRUCTION OF SIGN

- (1) A sign -
 - (a) must be constructed and executed and finished in a workmanlike manner, and structural details should be in accordance with existing generally accepted and tested designs, or designed by an engineer;
 - (b) may 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;
 - (c) must have a neat appearance and must consist of durable materials in accordance with the function, nature and permanence of the advertisement, sign or structure, and materials such as cloth, canvas, cardboard, paper or synthetic cardboard should be used only when essential to the nature and function of a particular sign;
 - (d) must have a neat appearance in terms of advertisement content and sign writing and an untidy handwritten message should be avoided as far as possible;
 - (e) may not with an electrical services provision and any other accessory deface a building facade;

- (f) must be rigidly and securely attached, supported or anchored in a safe manner so that unwanted movement in any direction is prevented;
 - (g) must 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;
 - (h) wherever necessary in accordance with the nature of the sign and when attached to brickwork, masonry or concrete, must 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; and
 - (i) when attached to a conservation-worthy building, must be attached with the necessary expert advice in order to prevent damage to the building.
- (2) An advertiser or contractor –
- (a) may not use water-soluble adhesive, adhesive tape or similar material to display or secure any sign or advertisement;
 - (b) may not display or secure any sign or advertisement elsewhere than on a billboard, board or any structure provided for this purpose;
 - (c) must have all exposed metalwork of any sign painted or otherwise treated to prevent corrosion, and all timber treated to prevent decay, which painting and treating must be done in such manner that no pollution occurs or damage is done to the surrounding area; and
 - (d) must 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.
- (3) (a) All glass used in signs, other than glass tubing used in neon and similar signs must be safety glass at least 3mm thick.
- (b) Glass panels used in signs may not exceed 0,9 m² in an area and must be securely fixed in the body of the sign, structure or device independently of all other panels.
- (4) Every illuminated sign and every sign in which electricity is used –
- (a) must have a power cable and conduit containing an electrical conductor positioned and fixed so that it is not unsightly;
 - (b) must be constructed of material which is not combustible;

- (c) must be provided with an external switch in an accessible position whereby the electricity supply to the sign may be switched off; and
 - (d) every electronic and illuminated advertising sign including its supports and framework shall be constructed entirely of non-combustible materials and shall be installed in accordance with and subject to the provisions of the Council's Electricity Supply Bylaws and the Code of Practice for the wiring of premises in accordance with the SABS or applicable legislation / regulations;
- (5)(a) No person may, in the course of displaying or removing any sign, advertisement structure or device, cause damage to any tree, electrical standard or service or other public installation or property.
- (b) Signage, or its brackets, on lamp posts may not cover or damage any markings such as codes or symbols on the poles.
- (c) Protective sleeves must protect the paintwork on electric lamp posts against possible damage which may be caused by brackets securing advertising signs against such poles, and the design of these brackets and the signage must be approved by the person in charge of Electricity provision for the municipality for each type of sign and lamp post to be used.

19. MAINTENANCE OF SIGN

- (1) Maintenance of signs and their structures on Municipal land is the responsibility of the person who displays the sign, excluding the municipality, and should the municipality carry out any maintenance work as result of poorly maintained signs being attached, the municipality may claim the cost of such repairs from the person who displays the sign.
- (2) A sign must –
- (a) where possible, be located at a height that discourages vandalism;
 - (b) be serviced, cleaned and repainted on a regular basis; and
 - (c) be maintained in good repair and in a safe and proper condition according to the highest standards as regards quality of structures, posting and sign-writing.
- (3) Should any advertisement or sign become dangerous, unsightly or a nuisance, the person/s liable to maintain the advertisement or sign shall remove the source of danger, unsightliness or nuisance within the time frame specified by Council and failure to do so will constitute an offence and render such person liable for prosecution;
- (4) All signs contemplated in section 7(1)(a), being signs in class 1 (billboards and other high impact free-standing signs) signs must be serviced, cleaned and painted in the manner and in accordance with the timeframes set out in the Schedules to these By-laws or in the contract between the municipality and the advertiser, whichever is applicable

20. POSITION OF SIGN**(1) A sign –**

(a) may not be displayed on a road island or road median, with the exception of a sign contemplated in section 7(1)(b)(v), being a sign in the class 2(e) (street name advertisement signs);

(b) may not be suspended across a road, with the exception of –

(i) a sign contemplated in section 7(1)(c)(i), being a sign in the class 3(a) (sky signs); and

(ii) a sign contemplated in section 7(1)(b)(ii), being a banner in the class 2(b) (banners, flags and inflatables) or a sign contemplated in section 7(1)(c)(xii), being a sign on a bridge suspended across an urban road other than a freeway and as part of a street-scaping project;

(c) may not be displayed within or suspended above a road reserve or within a distance of 50 meters outside the road reserve boundary of a freeway, with the following exceptions and provided that these exceptions, subject to subsection (1)(a), do not allow for the display of a sign on a road island or road median but only for the display of a sign on the side of a road reserve:

(i) A sign contemplated in section 7(1)(b)(iv)(dd), being a sign in the class 2(d)(iv) (project boards), that concern road construction, and a sign contemplated in section 7(1)(d)(i), being a sign in the class 4(a) (sponsored road traffic projects signs), and a sign contemplated in section 7(1)(d)(iii), being a sign in the class 4(c) (tourism signs), may be displayed within a road reserve;

(ii) a sign contemplated in section 7(1)(b)(v), being a sign in class 2(e) (street name advertisement signs) may be displayed within a road reserve of a proclaimed main road other than a freeway and cognisance must be taken of the architectural styles of sensitive areas;

(iii) a sign contemplated in section 7(1)(b)(iv)(dd), being in a sign in the class 2(d)(iv) (project boards) that does not concern road construction may be displayed within a road reserve other than a freeway, but only next to the actual development site and only if sufficient space is not available on such a site;

- (iv) a sign contemplated in section 7(1)(b)(i), being a sign in the class 2(a) (large posters and signs on street furniture), a sign contemplated in section 7(1)(b)(ii), being a sign in the class 2(b) (banners, flags and inflatables), a sign contemplated in section 7(1)(b)(iii), being a sign in class 2(c) (suburban signs), a sign contemplated in section 7(1)(b)(iv)(cc) being a sign in the class 2(d) (lamp posts, pavement posters and notices), a sign contemplated in section 7(1)(b)(vi), being a sign in the class 2(f) (neighbourhood watch signs and signs relating to similar schemes), a sign contemplated in section 7(1)(c)(iv), being a sign in class 3(d) (projecting signs), a sign contemplated in section 7(1)(c)(v), being a sign in the class 3(e) (veranda, balcony, canopy and under awning signs), and a sign contemplated in section 7(1)(d)(iv), being a sign in the class 4(d) (functional advertising signs by public bodies) may be displayed within an urban road reserve other than a freeway;
 - (v) a sign contemplated in section 7(1)(b)(iv)(cc), being a sign in the class 2(d)(iii) (lamp posts, pavement posters and notices) and a sign on a bridge contemplated in section 7(1)(c)(xii), being in the class 3(l) (signs on towers, bridges and pylons) may be displayed within an urban road reserve other than a freeway but only in an area of partial control and an area of minimum control;
 - (vi) a sign contemplated in section 7(1)(c)(iii), being a sign in the class 3(c) (flat signs), a sign contemplated in section 7(1)(c)(iv), being a sign in the class 3(d) (projecting signs), and a sign contemplated in section 7(1)(c)(v), being a sign in the class 3(e) (veranda, balcony, canopy and under awning signs) may be displayed within 50 meters of the boundary of a freeway if the main building housing an enterprise is within 50 meters from the road reserve of a freeway and if there is no other appropriate means of indicating that particular enterprise;
 - (vii) a sign contemplated in section 7(1)(b)(iv)(aa), being a sign in the class 2(d)(i) (estate agents' boards) may be displayed in a road reserve other than a freeway, subject to specific controls; and
 - (viii) a sign contemplated in section 7(1)(a), being a sign in class 1 (billboards and other high-impact free-standing signs), a sign contemplated in section 7(1)(c)(vi), being a sign in class 3(f) (signs painted on walls and roofs), a sign contemplated in section 7(1)(c)(vii), being a sign in class 3(g) (window signs), a sign contemplated in section 7(1)(c)(ix), being a sign in the class 3(i) (signs on forecourts of business premises), and a sign contemplated in section 7(1)(c)(xi), being a sign in the class 3(k) (on-premises business signs) may not be displayed in any urban road reserve;
- (d) may not be displayed within the specified distances of on-ramps and off-ramps and overhead traffic signs on freeways as illustrated in figure 1 in schedule 37, except where an enterprise is situated within such a prohibited area and it is not possible to indicate that particular enterprise by means of an appropriate sign outside the prohibited area; and
- (e) may not be displayed within a restricted area at an urban street corner as illustrated in figure 2 in schedule 37, with the exception of a sign contemplated in section 7(1)(b)(iv)(ee), being a sign in the class 2(d)(v) (temporary window signs), a sign contemplated in section 7(1)(c)(v), being a sign in the class 2(e) (street name advertisement signs), a sign contemplated in section

7(1)(c)(iii), being a sign in the class 3(c) (flat signs), a sign contemplated in section 7(1)(c)(iv), being a sign in the class 3(d) (projecting signs), a sign contemplated in section 7(1)(c)(v), being a sign in the class 3(e) (veranda, balcony, canopy and under awning signs), a sign contemplated in section 7(1)(c)(vii), being a sign in the class 3(g) (window signs), and a sign contemplated in section 7(1)(c)(viii), being a sign in the class 3(h) (signs incorporated in fabric of building), and provided furthermore that an illuminated sign displayed within a restricted area at a signalised street corner as illustrated in figure 3 in schedule 37 must have a clear height of at least six meters if such sign contains the colours red, green or amber.

- (2) No advertising signage may be affixed to a lamp post, except a sign contemplated in section 7(1)(b)(iv)(bb), being a sign in the class 2(d)(ii) (sale of goods, property or livestock signs), a sign contemplated in section 7(1)(c)(iv)(cc), being a sign in the class 2(d)(iii) (lamp posts, pavement posters and notices), and a sign contemplated in section 7(1)(d)(iii), being a sign in the class 4(c) (tourism signs).

21. ILLUMINATION OF SIGN, ELECTRONIC SIGN AND POWER CABLE AND CONDUITS TO SIGNS

- (1) The following maximum luminance levels per square meter are applicable to a sign, except for the daylight illumination of a Super Billboard:
- (a) In the instance where the illuminated area is less than 0,5 square meters, the maximum luminance level is 1000 candela per square meter;
 - (b) in the instance where the illuminated area is between 0, 5 m² and 2m², the maximum luminance level is 800 candela per square meter;
 - (c) in the instance where the illuminated area is between 2 m² and 10 m², the maximum luminance level is 600 candela per square meter; and
 - (d) in the instance where the illuminated area is 10 m² or more, the maximum luminance level is 400 candela per square meter.
- (2) The light source emanating from a floodlight may not be visible to traffic traveling in either direction.
- (3) Floodlighting must be positioned to ensure effective distribution and minimise light wastage or 'spill'.
- (4) The municipality may require traffic monitoring of any internally illuminated sign.
- (5) An electronic sign containing third-party advertising –
- (a) may only be displayed in an area of partial and minimum control;
 - (b) must be less than 2,1m², which size may be waived up to a maximum size of 81m² in any such area upon receipt of an approved Environmental, traffic and Heritage Impact

Assessment showing that no detrimental impact will be caused by the proposed display;
and

(c) may not have subliminal flashes.

(6) In respect of urban freeways, irrespective of the area of control, the under mentioned signs may not be illuminated in any way unless overhead lighting lights the freeway over the full distance within which the advertising sign is visible from the freeway:

(a) A super billboard;

(b) a custom-made billboard;

(c) a large billboard;

(d) a small billboard;

(e) a tower structure;

(f) a suburban advertisement;

(g) a temporary advertisement;

(h) a product replica;

(i) a three-dimensional sign;

(j) a flat sign;

(k) a roof sign;

(l) a sign painted on a wall or roof;

(m) a sign incorporated in the fabric of a building;

(n) a sign on a tower, bridge or pylon;

(o) an advertisement on a construction site boundary wall and fence; and

(p) an aerial sign.

- (7) The municipality may require a Traffic Impact Assessment to be conducted on any electronic sign, the results of which must indicate that no detrimental impact on traffic is envisaged, and the municipality may require subsequent traffic monitoring of any electronic sign.
- (8) Every power cable and conduit containing an electrical conductor for operation of an advertising sign must be so positioned and attached so that it not unsightly.
- (9) No advertising sign may be connected to any electrical supply without the prior written permission of the electrical supply authority concerned and such permission must, on request by an authorized official, be presented to him or her by the owner of advertising sign concerned.

CHAPTER VI MISCELLANEOUS PROVISIONS

22. AUTHENTICATION AND SERVICE OF NOTICES AND OTHER DOCUMENTS

- (1) A notice or other document requiring authentication by the municipality must be signed by the municipal manager or by a duly authorised officer of the municipality, and when issued by the municipality in terms of these By-laws is deemed to be duly issued if it is signed by an officer authorised by the municipality.
- (2) Any notice or other document that is served on a person in terms of these By-laws is regarded as having been served –
 - (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgment of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates;
 - (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate; or

- (g) when it has been delivered, at the request of that person, to his or her e-mail address.
- (3) Service of a copy is deemed to be service of the original.
- (4) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.
- (5) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

23. NOTICE OF COMPLIANCE, REMOVAL, CONFISCATION, DESTRUCTION OF SIGNS, AND RELATED MATTERS

- (1) (a) Where the display of a sign does not comply with section 18, 19, 20, 21 or 22, the person who displays the sign must alter the sign so that it complies with section 18,19,20, 21or 22, and where –
 - (i) traffic signal lights are erected in a place where previously there had been no traffic signal lights, but where there is currently being displayed a sign; or
 - (ii) there is an alteration in the level or position of a street, footway or kerb; the person who displays a sign must immediately remove the sign.
- (b) Where a sign is displayed on a site where,
 - (i) there is a change of ownership or occupancy of the premises on which the sign is displayed, or
 - (ii) there is a change in the nature of the business, industry, trade or profession which is conducted on the premises ; the owners or occupiers of the site should inform the municipality of this change within 30 days from becoming owners or occupiers, or the change in the nature of the business.
- (2) The municipality may serve a notice of compliance on the owner of a sign to remove a sign within a specified time, or to carry out, within a specified time, such alteration to it or to do such work as may be specified in the notice or cover or cause the sign to be covered completely so as to conceal its contents, if the sign which is displayed is unauthorised, or does not conform to a provision of section 18, 19, 20, 21 or 22, or does not comply with a condition imposed in the Schedule that relates to the sign.

(3) The notice of compliance must –

- (a) specify, at the time when the notice is issued, the name and residential or postal address, if either or both of these be known, of the person on whom the notice is served;
 - (b) state the particulars of the contravention;
 - (c) where applicable, specify the time within which a sign is to be removed, or an alteration is to be carried out, or such work as specified is to be done or such sign is to be covered;
 - (d) subject to section 26, specify the fine payable as penalty in respect of that contravention and the place where the fine may be paid; and
 - (e) inform the person on whom the notice was served that he or she may, within 28 calendar days of the date of service of the notice –
 - (i) pay the fine; or
 - (ii) inform the municipality in writing that he or she elects to be tried in court on a charge of having committed an offence under section 26(1) (c).
- (4) If a person fails to comply with a notice served by the municipality on him or her, the municipality may enter upon the land upon which the sign to which the notice relates, is being displayed and remove, confiscate, and destroy the sign.
- (5) The municipality may, without prior notice remove, confiscate, and destroy any sign if the sign constitutes a danger to life or property, or is objectionable, or if one or more of the provisions of these By-laws is contravened.
- (6) The municipality, when it removes and confiscates or destroys the sign, is not required to compensate a person in respect of the sign in any way for loss or damage which results from its action.
- (7) Costs that are incurred by the municipality when it removes, confiscates or destroys a sign, rehabilitates land or does alterations or other works may be recovered from the person on whom the notice was served, or if a deposit has been paid in respect of the sign the costs may be deducted from the deposit, unless the person to whom a notice was given proves –
- (a) that he or she did not, at the time when he or she received the notice, nor at any time thereafter, display the sign; or

- (b) that he or she did not take any active part in displaying the sign and did not grant any person permission to display it and did not receive any valuable consideration in connection with the displaying of the sign, and that he or she does not manufacture an article, or own, control or manage a business or undertaking to which the sign relates
- (8) The penalty costs when the municipality removes a sign are determined by the Council from time to time by way of resolution.
- (9) Should the municipality decide not to destroy a sign, the original owner may repurchase a sign, which has been removed and confiscated. The repurchasing prices are according to the tariff determined by the Council from time to time.
- (10) The municipality may dispose of a sign which is not repurchased within two weeks.

24. OFFENCES

- (1) A person commits an offence if he or she –
 - (a) fails to comply with –
 - (i) any requirement which is set out in a notice of compliance in terms of section 25(2) that was served on him or her;
 - (ii) a condition that was imposed on him or her;
 - (iii) any requirement set out in a notice in terms of sections 8(4))b), 9(4) or 11(2);
 - (b) knowingly makes a false statement to a municipal officer, or in respect of an application;
 - (c) displays a sign that does not comply with any one or more of the provisions of sections 18, 19, 20, 21 or 22 or conditions imposed in the Schedule that relates to the sign;
 - (d) displays an unauthorised sign; or
 - (e) displays a sign in contravention of sections 8(4) (a), 10 (8), 16 (1) to (4) or (6) or 17, 22 (1).
- (2) Upon conviction of a first offence, the person is liable to a fine, and should the person not pay the fine, he or she may be imprisoned for a period not exceeding two months.
- (3) Upon conviction of a second or subsequent offence, the person is liable to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment;

- (4) Upon conviction of a continuing offence the person is liable to a fine or a period of imprisonment or to such additional imprisonment without the option of a fine for every day during which the offence continued.
- (5) Upon conviction for the display of an unauthorised sign, the person is liable to a fine per sign displayed.

25. RIGHT OF APPEAL

- (1) A person who is of the opinion that his or her rights are affected by a decision of a municipal officer may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.
- (2) The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).
- (3) The appeal authority must consider the appeal and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (4) When the appeal is against a decision taken by –
 - (a) a municipal officer other than the municipal manager, the municipal manager is the appeal authority;
 - (b) the municipal manager, the Executive Mayor is the appeal authority; or
 - (c) a political structure or political office bearer or a councillor, the Municipal Council excluding councilors who were involved in the decision, is the appeal authority.
- (5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.
- (6) The lodging of an appeal in terms of subsection (1) does not confer a right on a person to display a sign in contravention of these by-laws or in contravention of a notice given in terms of these by-laws to have it removed, pending the finalization of the appeal.

26. TRANSITIONAL PROVISION

(1) The person who displays a sign, for which sign he or she had received written approval to display the sign prior to the commencement of these by-laws, must, within twelve months after the commencement of these By-laws, ensure that the sign complies in all respects with the provisions of these By-laws, and the municipality reserves the right to remove the sign immediately if the sign does not comply with these provisions after twelve months.

(2) The person who displays a sign, the display of which is prohibited in terms of section 16 or for which sign he or she do not have any written permission from the municipality to display the sign, must remove the sign within 180 days after the commencement of these By-laws.

(3) A person who had obtained permission for the display of a sign or advertisement prior to the declaration as contemplated in section 5(4), shall be notified of such declaration by the municipality in writing and must remove such sign within the period stipulated in the notice, which period may be not less than 90 days.

(4) Where an advertisement has been erected or displayed prior to the date of commencement of the by-laws, which, in terms of the by-laws, may not be so erected or displayed without the approval of the Municipality or another authority, the owner of the advertisement must apply to the municipality or the other authority, as the case may be, for such approval, within 180 days of such date of commencement, failing which the advertisement must be removed forthwith. If approval for an advertisement has been refused, the owner must remove it within 30 days of receipt of notification of such refusal. Where such a notification has been posted by registered post, the owner will be deemed to have received it eight days after posting thereof;

27. PUBLIC PARTICIPATION PROCESS

(1) After lodging an application in terms of Section 6(3), the applicant must forthwith cause a notice in prescribed form, to be published once in English newspaper circulating in the area in which property to which application relates is situated: Provided that no such notice may be published during period from 1 December – 5 January of the following year, both dates included.

(2) The applicant must from the date of publication of a notice in terms of subsection paragraph (1), display a notice in prescribed form in English in a conspicuous place visible to public on a street front of the property on which the proposed sign will be erected.

(3) The applicant must maintain a notice displayed in terms of paragraph (2) a period of at least 21 days from the date of publication of this notice in terms of subsection paragraph (1).

(4) A notice contemplated in subsection (1) and (2), must contain a statement-

- (a) That details of the application concerned will be open for inspection at an address specified in the notice for period of 21 days from the date of publication of the notice in terms of subsection (1); and
- (b) That any person may within the period specified in paragraph (a), submit comments or representations, or lodge an objection, in writing in respect to the application concerned.

- (5) Any person proposing to submit comments or representations or lodge an objection as contemplated on subsection (4), must address such comments, representations or objections to both Council and Applicant concerned at their respective addresses specified in the notice so contemplated.
- (6) The council may if the proposed advertising sign will be visible from any property used for residential purpose, require the applicant to notify the owner of that property in writing of the application and obtain his or her written comment on the proposed advertising sign.
- (7) An applicant contemplated on subsection (1), must submit the Original newspaper cuttings showing notice and date and name of the newspaper in which notice have been published in terms of subsection (1) and photography indicating the first and last date of notice displayed in terms of subsection (2), accompanied by an affidavit confirming compliance with that subsection.
- (a) The applicant must furnish proof to the satisfaction of Council that he or she has complied with the provisions of this section.
- (8) The Council may in its discretion exempt an application form complying with the above requirements on good cause shown.

28. IMPACT ASSESSMENTS

- (1) Environmental Impact Assessments as determined in terms of the National Environmental Management Act, 1998 (Act 107 of 1998), must be conducted for all advertisements contemplated in section 7(1)(a)(i), being a sign in the class 1(a) (super billboards), section 7(1)(a)(ii), being a sign in the class 1(b) (custom-made billboards), section 7(1)(a)(iii), being a sign in the class 1(c) (large billboards), section 7(1)(c)(i), being a sign in the class 3(a) (sky signs), section 7(1)(c)(ii), being a sign in the class 3(b) (roof signs), and section 7(1)(c)(xii), being a sign in the class 3(l) (signs on towers, bridges and pylons).
- (2) The consultation processes of assessments required in terms of subsection (1) may be determined by the Council by resolution from time to time.
- (3) Besides classes of advertisements for which Traffic Impact studies is required in terms of these by-laws and Schedules, the municipality may require a traffic impact study for any other class of advertisements if such advertisement might have a detrimental impact on traffic .
- (4) Any other assessments that the municipality may require to approve the display of a sign in terms of these by-laws may be required from prospective advertisers.

29. SAVING PROVISIONS

Nothing which is contained in these By-laws is to be construed as to affect in any way rights that belong to, or duties which are imposed on the municipality as the body in whom ownership is lawfully vested of or who has control over any street or other place or thing within its area of jurisdiction.

30. WAIVER

(1) The municipality may, upon the written request by a person, which request is to be directed to the municipal manager and after consideration of the merits of the request, waive compliance with or relax the provisions of any one or more of the provisions of these By-laws.

(2) The municipality must serve a written notice of waiver, which is signed by the municipal manager upon the person concerned. The notice must cite –

- (a) the provision that is waived or relaxed; and
- (b) the extent to which it has been waived.

(2) The municipality must keep a record which contains a copy of the notice. The public may, at all reasonable hours, inspect this record at the offices of the municipality.

31. OUTDOOR ADVERTISING COMMITTEE

(1) The Accounting Office must establish an Outdoor Advertising Committee to consider and decide on application Approval for permanent advertising.

(2) The function of Outdoor Advertising Committee is to decide on permanent advertising approval.

(3) The Outdoor Advertising Committee must consist of five or more members, who, by reason of integrity, qualification, expertise and experience are suitable for membership

(4) The Committee must comprises of municipal officials from the following Municipal Directorates –

- (a) Town Planning (Land-Use, Spatial Planning and Building Inspectorate)
- (b) Housing and Land (Real Estate)
- (c) Community Service (Traffic Section)
- (d) Technical Services (Road and Stormwater, Water Services Authority and Electrical Services)

32. PRESUMPTIONS

Any person charged with a contravention in terms of these by-laws, who is –

(a) alone or jointly with any other person, responsible for organizing or in control of any meeting, function or event, to which a sign or advertisement relates, shall be deemed, until the contrary is proved, to have knowingly displayed every unlawful sign or advertisement in connection with such meeting, function or event or to have caused or allowed it to be so displayed;

(b) the person whose name appears on an unlawful sign or whose product or services are advertised on such sign shall be deemed, until the contrary is proved, to have displayed such sign , or to have caused or allowed it to be displayed;

(c) the owner of any land or building on which any unlawful sign was or is displayed , shall be deemed , until the contrary is proved, to have knowingly displayed such sign or caused or allowed it to be so displayed; and

(d) the owner of a sign or the person who erected, constructed or displayed the sign which is unlawfully displayed in terms of these by-laws, shall be deemed, until the contrary is proved, to have knowingly erected, constructed or displayed such sign.

33. REPEAL

(1) There were no proceeding regulations and therefore no repeal necessary.

34. SHORT TITLE AND COMMENCEMENT

These By-laws are called the Newcastle Municipality Outdoor Advertisement By-laws, and commence on the date of publication thereof in the Provincial Gazette

SCHEDULE 1 Super billboards (Class 1(a)) (Section 7(1) (a) (i))

1. A sign may be displayed in an urban area of minimum control only.
2. Display of a sign is subject to specific consent.
3. A sign may be displayed only after an environmental impact assessment, which includes visual, social and traffic safety aspects, has been undertaken and has been submitted by the applicant to the municipality and which has been approved by the municipality.
4. A sign may not exceed a maximum size of 81 m² and a maximum height of 25 meters.
5. The height limitation of super billboards is measured from the normal ground level to the top of the advertising sign, including the height of the supporting structure below the sign.
6. A sign must be displayed perpendicular to the direction of oncoming traffic.
7. A minimum distance of 5 kilometers between signs displayed on the same side of the road must be maintained.
8. (a) No sign may be erected within a radius of 200 meters from the center of an intersection on an arterial road, or within a radius of 100 meters from the center of an intersection on any lower order road in such a manner as to be oriented towards such an intersection.

(b) The distances represented in Figure 1, Schedule 36 must be increased by 25 percent.
9. Subject to the provisions of section 18, 19(4), 21(e) and 22, illumination and animation of a sign is allowed.
10. A sign must be placed on a base, which has been designed and erected in accordance with conditions which the municipality may impose in terms of section 10(4).

11. The municipality may approve for the display of a sign for a period ranging from one to five years, but may not grant approval for an indefinite period.
12. Road safety principles will be taken into consideration when determining letter sizes and the length of messages.
13. Maintenance should be done on a continuing basis and a maintenance report should be submitted to the municipality once a year on a date prior to the anniversary of the date on which approval was given for the display of the sign.

Schedule 2
Custom-made billboards (Class 1(b))
(Section 7(1) (a) (ii))

1. A sign may be displayed in an urban area of minimum control only.
2. Display of a sign is subject to specific consent.
3. A sign may be displayed only after an environmental impact assessment, which includes visual, social and traffic safety aspects, has been undertaken and has been submitted by the applicant to the municipality and which has been approved by the municipality.
4. A sign may not exceed a maximum size of 54 square meters and a maximum height of 13 meters, measured from the ground level to the top of the sign or the structure housing the sign, except as otherwise approved by the municipality in terms of section 10(4).
5. The clear height of the advertising structure may not be less than 2,4 meters, measured from the normal ground level to the bottom edge of the advertising sign, including the height of the supporting structure below the sign.
6. The provisions of sections 21(1)(a)–(c), and the following conditions apply to the position of a sign:
 - (a) No more than one sign may be displayed on a site;
 - (b) a sign consisting of a single board must be displayed perpendicular to or at an angle of up to 30 degrees to the direction of oncoming traffic;
 - (c) where two boards are joined together, the sign must be displayed with the axis of symmetry perpendicular to the direction of oncoming traffic;
 - (d) a maximum of two signs may be displayed in the vicinity of a road intersection;
 - (e) the display of a billboard is not permitted within a radius of 100 meters from the center of an intersection on an arterial road and within a radius of 50 meters from the center of an intersection on any lower-order road; and
 - (f) spectacles displayed along roads must be spaced at the following minimum distances:

- (i) on a road with a speed limit of 81 kilometers per hour and higher, there must be a minimum distance of 250 meters between signs;
 - (ii) on a road with a speed limit between 61 kilometers per hour and 80 kilometers per hour, there must be a minimum distance of 200 meters between signs; and
 - (iii) on a road with a speed limit below 60 kilometers per hour, when the signs are in view of each other and on the same side of the road, there must be a minimum distance of 120 meters between signs.
- 7. A sign displayed in the vicinity of a signalised intersection may not contain the colours red, amber or green if such colours will constitute a road safety hazard.
- 8. The provisions of sections 18, 19(4), 21(e), 22, and the following conditions apply to the illumination and animation of a sign:
 - (a) Internal and external illumination is allowed;
 - (b) the following maximum luminance levels are prescribed by the municipality:
 - (i) if the illuminated area is 0,5 m² in size or smaller a maximum level of 1000 candela per square meter;
 - (ii) if the illuminated area is between 0,5 m² and two square meters in size a maximum level of 800 candela per square meter;
 - (iii) if the illuminated area is between 2 m² and 10 m² in size a maximum level of 600 candela per square meter; and
 - (iv) if the illuminated area is larger than 10 m² in size a maximum level of 400 candela per square meter;
 - (c) the light source emanating from floodlights may not be visible to traffic travelling in either direction;
 - (d) floodlighting must be positioned to ensure effective distribution of light and minimize light wastage or 'spill'; and
 - (e) no animation is allowed.
- 9. A sign must be placed on a base, which has been designed and erected in accordance with conditions which the municipality may impose in terms of section 10(4).
- 10. The municipality may grant approval for the display of a sign for a period ranging from one to five years, but may not grant approval for an indefinite period.
- 11. Maintenance should be done on a continuing basis and a maintenance report should be submitted to the municipality once a year on a date prior to the anniversary of the date on which approval was given for the display of the sign.

SCHEDULE 3
Large billboards (Class 1(c))
(Section 7(1)(a)(iii))

1. A sign may be displayed in an urban area of minimum control only.
2. Display of a sign is subject to specific consent.
3. A sign may be displayed only after an environmental impact assessment, which includes visual, social and traffic safety aspects, has been undertaken and has been submitted by the applicant to the municipality and which has been approved by the municipality.
4. No sign may exceed a maximum size of 40 m² and a maximum height of 8 meters, measured from the normal ground level to the top of the advertising sign, including the height of the supporting structure below the sign.
5. The clear height of the advertising structure may not be less than 2,4 meters.
6. The provisions of section 22(1)(a) – 22(1)(d), and the following conditions apply to the position of a sign:
 - (a) No more than one sign may be displayed per site;
 - (b) an advertisement consisting of a single board must be displayed perpendicular to or at an angle of up to 30 degrees to the direction of oncoming traffic;
 - (c) where two billboards are joined together, the sign must be displayed with the axis of symmetry perpendicular with the direction of oncoming traffic;
 - (d) billboards displayed along roads must be spaced at the following distances:
 - (i) on a road with a speed limit of 81 kilometers per hour and higher the distance between signs may not be less than 250 meters;
 - (ii) on a road with a speed limit between 61 kilometers per hour and 80 kilometers per hour the distance between signs may not be less than 200 meters; and

- (iii) on a road with a speed limit below 60 kilometers per hour, when the signs are in view of each other and on the same side of the road, the distance between signs may not be less than 120 meters;
 - (e) a maximum of two billboards may be displayed in the vicinity of a road intersection; and
 - (f) no billboard may be displayed within a radius of 100 meters from the center of an intersection on an arterial road and within 50 meters from the center of an intersection on any lower-order road.
- 7. A sign displayed in the vicinity of a signalised intersection may not contain the colours red, amber or green if such colours will constitute a road safety hazard.
- 8. A sign may be paper-posted, any may also be sign written, posted with vinyl or a combination of all three.
- 9. The provisions of section 18, 19(4), 21(e), 22, and the following conditions apply to the illumination and animation of a sign:
 - (a) Internal and external illumination is allowed;
 - (b) the following maximum luminance levels are prescribed by the municipality:
 - (i) if the illuminated area is 0,5 m² in size or smaller a maximum level of 1000 candela per square meter;
 - (ii) if the illuminated area is between 0,5 m² and 2 m² in size a maximum level of 800 candela per square meter;
 - (ii) if the illuminated area is between 2 m² and 10 m² in size a maximum level of 600 candela per square meter; and
 - (iii) if the illuminated area is larger than 10 m² in size a maximum level of 400 candela per square meter;
 - (c) the light source emanating from floodlights may not be visible to traffic travelling in either direction; and
- (c) floodlighting must be positioned to ensure effective distribution and minimize light wastage or 'spill', and external illumination may not constitute a road safety hazard or cause undue disturbance.
- 10. No animation of a signs in this class is allowed.
- 11. A sign must be placed on a base, which has been designed and erected in accordance with conditions which the municipality may impose in terms of section 10(4).
- 12. The municipality may grant approval for the display of a sign for a period ranging from one to five years, but may not grant approval for an indefinite period.

13. Maintenance should be done on a continuing basis and a maintenance report should be submitted to the municipality once a year on a date prior to the anniversary of the date on which approval was given for the display of the sign.

SCHEDULE 4
Small billboards and tower structures (Class 1 (d))
(Section 7(1)(a)(iv))

1. A sign may be displayed in an urban area of partial control and an urban area of minimum control only.
2. Display of a sign in an urban area of minimum control is subject to deemed consent.
3. Display of a sign in an urban area of partial control is subject to specific consent, but if the sign forms part of the parking layout of a business center and is not visible from a passing road, the display is subject to deemed consent.
4. Subject to the approval to display signs in terms of these by-laws, these signs may be displayed on a sport's field, sports ground, school or other institute of learning, subject to the following conditions :
 - (a) the sign may not face any residential building, except if all occupiers of such a residential building agreed in writing that the sign may face towards the building they are occupying ;
 - (b) the sign may only be erected at the main entrance to the sports field, sports ground, school or institute of learning;
 - (c) the sign may not be erected closer to 15 meters from any intersection;
 - (d) at least 35% of the sign-artwork should display the name of the school and events to be presented at the school;
5. A billboard may not exceed a maximum size of 6 square meters, and a maximum height of 3,5 meters.
6. A panel or board on a tower structure may not exceed a maximum size of 4,5 m².

7. The clear height of a tower structure may not be less than 2,4 meters, and the maximum height of such a structure may not be more than 5 meters.
8. Subject to section 21(1)(c)(viii), a sign must be internally oriented and may not be aimed at a road user outside the shopping center or transport node.
9. The illumination and animation of a sign is permitted, except in residential areas, and is subject to the provisions of sections 18(1), 19(4), 21(1)(e), 22, and the additional provision that such illumination or animation does not constitute a road safety hazard or cause undue disturbance.
10. A tower structure provided in a larger pedestrian area may be used only as a focal point, and must be of a high visual standard and must harmonise with the surrounding buildings and streetscape.
11. A sign must be placed on a base, which has been designed and erected in accordance with conditions which the municipality may impose in terms of section 10(4).
12. The municipality may grant approval for the display of a sign for a period ranging from one to five years, but may not grant approval for an indefinite period.
13. A sign may be used to display only general and non-locality-bound advertisements of products, activities and services in parking areas of shopping centers and at important transport nodes such as railway stations, bus stations and airports, and may not identify or identify the location of specific enterprises at such centers or nodes.
14. Maintenance should be done on a continuing basis and a maintenance report should be submitted to the municipality once a year on a date prior to the anniversary of the date on which approval was given for the display of the sign.

SCHEDULE 5

Permanent posters and signs on street furniture (Class 2(a)) (Section 7(1)(b)(i))

1. A sign may be displayed in an urban area of maximum control, an urban area of partial control, and an urban area of minimum control only.
2. Display of a sign in an urban area of maximum control and an urban area of partial control and minimum control is subject to specific consent and must comply with the provision of Section 2.1 (A), & (J) of the Newcastle Advertising Signage Policy on Poster Placement Holders and Advertising Street Furniture respectively.
3. Advertising signs may not be attached to street furniture where it may obstruct sight distance from a nearby intersection or from a motor car driveway.

4. Except for litter bins and bus shelters erected by the municipality, advertisements in this class which is erected within a road reserve, may not be located closer than 120m to formal road traffic signage displayed in terms of the Road Traffic Act, No 93 of 1996, facing the same traffic direction.
5. The following specifications are applicable to litterbins inside road reserves, on municipal property and on other public open spaces:
 - (a) Litterbins may only be placed on a suitably prepared concrete or paved footing and must be adequately secured to prevent it from being blown over by winds with speed of up to 30km/s.
 - (b) Litterbins may not be placed on traffic islands.
 - (c) Each new litterbin site must be approved individually by the Municipality, and applications must include the following:
 - (i) Sufficient information to enable officials to determine the position of the requested new site within 1m accuracy;
 - (ii) adequate details of the nature of the proposed footing and moorings;
 - (iii) the presence of other litterbins along the same route that serve the same pedestrians.
 - (d) Approval of the site does not grant the applicant an indefinite right to advertise on the particular site.
 - (e) Advertising periods are as determined by the Municipality from time to time, and the applicant must ensure that he or she ascertains such periods from the Municipality.
 - (f) Litterbins may not be located closer than 1,5 meters from the edge of a public road.
 - (g) Only litterbins with a vertical height of 900mm or less may be located closer than 50m to a traffic intersection or a high volume vehicle access.
 - (h) An advertisement on a litter bin should be aimed at pedestrians and not motorists.
6. A poster structure and street furniture carrying an advertisement may not exceed a maximum height of 3 meters.
7. The provisions of sections 18, 19(4), 21(1)(a) – 21(1)(c), 21(1)(e), and the following conditions apply to the position of a sign:
 - (a) An advertising sign on street furniture may be displayed within an urban road reserve other than a freeway;
 - (b) a sign in this class may not be closer than 300 millimeters to the vertical line of the edge of a cycle path or footpath;

- (c) street furniture may not be placed in such a way as to obstruct any pedestrian movement; and
 - (d) signs in this class may not be less than 50 meters apart if they are on the same side of the street.
8. A sign displayed in the vicinity of signalised intersections may not contain the colours red, amber or green if such colours will constitute a road safety hazard.
 9. Subject to the provisions of section 18, 19(4), 21(e) and 22, illumination and animation of a sign is allowed in an urban area of partial control and an urban area of minimum control.
 10. Display of a standardized pole-mounted poster is allowed only if it does not have a negative visual impact on the character of an area.
 11. Creative and visually pleasant structures may be used for displaying large posters in road reserves in order to make a positive contribution to streetscaping.
 12. Street furniture and advertising furniture higher than 3 meters may be used only as focal points.
 13. The clear height of a poster may not be less than 2,4 meters.
 14. Large posters may not be used for the primary purpose of directing or guiding travellers to an enterprise or facility.

SCHEDULE 6
Banners, flags and inflatables (Class 2(b))
(Section 7(1)(b)(ii))

1. A banner, flag or inflatable may not be displayed in a rural area of maximum control and an inflatable may not be displayed in an urban area of maximum control.
2. Display of a banner or flag in an urban area of maximum control and display of a banner, flag or inflatable in an urban area of partial control is subject to specific consent and must comply with the provision of Section 2.1 (L) of the Newcastle Municipality Advertising Signage Policy on Banners.
3. Display of a banner or flag in an urban area of minimum control is subject to deemed consent, whilst display of an inflatable requires specific consent.
4. Display of a banner, flag or inflatable, for the purpose of streetscaping, in an urban area of minimum control is subject to specific consent.
5. Subject to item 21, the display of a national flag of any country is excluded from conditions stipulated in this Schedule, and such flag may be displayed in all areas of control.

6. A maximum of two banners, flags or teardrop flags may be displayed per event, enterprise or function in an urban area of maximum control.
7. A maximum of four banners, flags or teardrop flags or only one inflatable may be displayed per event, enterprise or function in an urban area of partial control and an urban area of minimum control.
8. A maximum of ten banners, flags or teardrop flags and one inflatable may be displayed per shopping center of which the floor area, excluding the parking area, is 2000 m² or larger.
9. A banner or flag displayed in any urban area may not be larger than 4, 5 m².
10. A teardrop flag may not be larger than 2, 2 m².
11. The following restrictions apply with regards to the size of inflatables, where D represents the distance in meters of the sign from the nearest road reserve boundary and H represents the height:

In areas of partial control: The maximum allowable height can be calculated with the following formulae: $H = 1.5 + D * 0.15$, to a maximum height of 7.5m. The horizontal circumference may not exceed 6.5m and the maximum projected area of any side may not exceed 8m²

In areas of minimum control: The maximum allowable height can be calculated with the following formulae: $H = 2 + D * 0.15$, to a maximum height of 10m. The horizontal circumference may not exceed 8.5m and the maximum projected area of any side may not exceed 11m²

The height restriction specified for inflatables is the distance from the ground level to the top of the sign, irrespective of whether the sign is located on the ground or will be elevated on a structure.

An inflatable in excess of 3m in height may not be located closer than 100m to an intersection along an arterial road, or closer than 50m to other traffic intersections. Signs closer than 30 to a road reserve boundary shall be spaced at the following minimum distances when in view of one another and on the same side of the road:

SPEED LIMIT	SPACING
Faster than 80km/h	250m
60 – 80km/h	200m
Less than 60 km/h	120m

12. A character or symbol on a flag, banner or teardrop flag may not be more than 0,75 meter in height.

13. The provisions of section 21(1)(a) and (b), 21(1)(c)(iv) and (v), and the following conditions apply to the position of a banner or flag:
- (a) A banner or flag must be attached to or suspended between 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 or on such other site as the municipality may permit;
 - (b) a banner or flag may be displayed within all urban road reserves, but may not be displayed on a freeway, and a banner may only be suspended across a road or street as part of an urban streetscaping project;
 - (c) a banner may be attached to a building or to a special streetscaping structure provided for this purpose; and
 - (d) the poles or supports of a flag or banner may not be placed inside a road reserve.
 - (e) Banners are to be displayed for no longer than 14 days prior to commencement of the event or no longer than two days after the day on which it ends, subject to the maximum period for each event not exceeding 21 days; and
 - (f) Subject (cap S) to commercial advertising not occupying more than 30% of the surface of the banner;
 - (g) No banners 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;
 - (h) Banners displayed within the curtilage of the property to which they directly relate require no approval from Council, however they are still subject to the constructional, size and safety guidelines as dictated under this policy;
14. No Inflatable may be displayed inside or above a road reserve or placed in a parking area that it takes up any parking space.
15. The colour or texture of a banner that is attached to a building in an urban area of maximum control must blend with such building.
16. No illumination or animation of a banner or a flag is permitted.
17. Display of a banner, flag, teardrop flag or inflatable is subject to the safety requirements as provided for in section 18, and the condition that a banner, flag, teardrop flag or inflatable may not be attached in a manner so as to interfere with or constitute a danger to passing vehicular or pedestrian traffic.
18. A banner, flag or teardrop flag used for streetscaping must form a harmonious and well-designed part of the total streetscape.

19. A flag must be attached to a single flag-staff projecting vertically from a premises or projecting vertically, horizontally or at an angle from a building.
20. No banner, flag, teardrop flag or inflatable may be displayed for more than two weeks before the date of the function or event advertised, and no such banner or flag is permitted to remain in position for more than three days after the conclusion of such function or event.
21. A banner, flag, teardrop flag or inflatable may not be used for purposes other than:
 - (a) Advertising functions and 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;
 - (b) displaying the name, corporate symbol and nature of enterprises; or
 - (c) streetscaping urban areas such as pedestrian malls and gateways.
22. Only a locality-bound banner or flag may be used for advertising a function, event and enterprise, except when incorporated in a streetscaping project.
23. A banner, flag, teardrop flag or inflatable may not be used for advertising a sales promotion, private company, or a commercial product or event.
24. A national flag may not carry on the flag or flag-staff any advertisement or subject matter additional to the design of the flag.

SCHEDULE 8
Estate agents' boards (Class 2(d)(i))
(Section 7(1)(b)(iv)(aa))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to deemed consent.
3. The maximum size of a sign is as follows:
 - (a) In a residential area in an area of maximum and partial control, a total area of 0,55 m² for a single board, or a total area of 0,65 square meter for two joined boards;
 - (b) in an agricultural or commercial area (including centres of economic activity outside urban areas) in an area of maximum and partial control, a total area of 2 m² for a single board, or 2,3 square meters a total area for two joined boards; and

- (c) in an area of minimum control, a total area of 2,8 m² for a single board, or a total area of 3,2 m² for two joined boards.

4. Only two sign per estate agent may be displayed per premises.

5. A single “Sold” sign may be displayed flush against the fence or wall of the property for a maximum period of ninety days only.

6. Not more than two estate agents boards may display simultaneously on the same premises.

7. The sign may be –

- (a) placed at or fixed to the building concerned only;
- (b) attached to the boundary fence of the premises concerned only; or
- (c) displayed within the boundaries of such premises only;
- (d) fixed to the sidewalk, subject to the provisions of items 8 and 15, hereunder and the by-laws, and shall be anchored in such a way that no part of the sign or anchors will penetrate the ground by more than 100mm.

8. No sign may at any point project more than 1,3 metre from the wall of the building or structure to which it is affixed.

9. No sign may be displayed on the centre median of a road or on any traffic island, mounted against road or any road sign.

10. No specific limitations are imposed as to the colour or texture of a sign.

11. Illumination or animation of a sign is not permitted.

12. Application by each estate agency on an annual basis must be made to the municipality for permission to display estate agent signs and approval is subject to payment of an annual fee in accordance with the municipality's schedule of tariffs and charges as resolved upon by the municipality from time to time.

13. A deposit must be paid per agency against which a charge for the removal of any sign which contravenes the by-law, is levied, and in the event of such deposit being exhausted, permission to display such signage shall be withdrawn until a further deposit is paid to the Municipality.

14. Any estate agent sign unlawfully erected, or in contravention of the provisions of this Schedule, is subject to a charge by the municipality, calculated in accordance with the published schedule of tariffs and charges irrespective of whether such sign is removed by the Municipality or not.

15. Any Estate agent signs or any other sign may not be positioned nearer than 2m from the roadway edge and may not pose a threat for possible injury to pedestrians, or obstruct pedestrian movement along a sidewalk.
16. Display of a sign is subject to the design and construction requirements as provided for in section 18, 19 and 21.
17. A sign may only contain the name, logo, address and telephone number of the selling or letting agent, and the words 'For Sale' , 'To Let' or 'Sold'.
18. No flag, balloon or any other object which has as aim the drawing of the attention of a person to the sign, may be displayed.
19. A sign may not be used for commercial advertising.
20. Only on the show houses the sign may be –
 - (a) Placed on a Friday from 12:00 noon and be removed before Sunday 17:00 pm for the weekends shows.
 - (b) Allowed to be placed on the street corner, on centre median or on a traffic island during the above mentioned times.
 - (c) Placed on weekdays in the morning before the show house start and be removed the same afternoon.

SCHEDULE 9

Sale of goods or livestock signs (Class 2(d)(ii)) (Section 7(1)(b)(iv)(bb))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to deemed consent.
3. Only one sign per sale may be displayed.
4. The maximum size of a sign is as follows:
 - (a) In an urban area of maximum or partial control, 2m²; and
 - (b) in an urban area of minimum control, 2,8 m².
5. No part of a sign may be higher than 3 meters above the ground.

6. Subject to the provisions of section 21(1)(e), a sign may be displayed on the premises or property where the advertised sale is to be held, or may be attached to the boundary fence of such property or premises only.
7. No specific limitations are imposed on the colour or texture of a sign.
8. Illumination or animation of this sign type is not permitted.
9. The provisions of section 18(1) and 19(5) apply to the design and construction of a sign.
10. A sign must be removed not later than five days after the auction or sale.
11. A sign may not be used for commercial advertising.

SCHEDULE 10
Pavement posters and notices (Class 2(d)(iii))
(Section 7(1)(b)(iv)(cc))

1. A sign may be displayed in an urban area of partial control and an urban area of minimum control only.
2. Display of a Temporary Poster sign is subject to specific consent.
3. Temporary Posters displayed upon the building or the main wall of any private erf or property within which the advertised event or item is taking place or available is subject to deemed consent.
4. Temporary posters displayed on the inside of any shop front window is subject to deemed consent.
5. Any advertisement relating to an election, meeting, function or event shall be a maximum of 0.5 m² in area and shall have a clear height of minimum 2 m; and if paper shall be securely fixed to durable hardboard or other approved backing board, or constructed from a plasticised cardboard material;
6. Any person/s or, in the case of election advertising, each political party displaying or causing to display any poster advertisement relating to the same meeting, function or event shall only be permitted one poster per electricity lamp, or telephone pole to a maximum of three (3) posters allowed on any particular pole at any one stage.
7. 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;

8. A poster relating to a parliamentary or municipal election or referendum may be displayed from the date of proclamation in the Government Gazette of an upcoming referendum or election to the end of the fourteenth day after the date of the election or referendum, at which date the poster, its backing boards and cord or string must be removed.

9. Any advertisement relating to a meeting, function or event other than an election, shall not be displayed for longer than 14 days before the day on which it begins or longer than two days after the day on which it ends.

10. 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 consent of the Council. In the case of election advertisements, no limitation will be placed on the number of posters displayed;

11. Any advertisement relating to an election shall be on the basis of a written agreement between the Independent Electoral Commission and the relevant political party;

12. Auction posters approved in terms of this section may not be larger than 0.6 Meters squared in area;

13. Posters may only be affixed with plastic cable ties or non-abrasive string;

14. For the purposes of interpretation "event" is an occurrence that does not take place more than 4 (Four) times annually and relates specifically to advertising any meeting, function or event of a sporting, civic, cultural, social, educational, religious, charitable, political or other similar character;

15. Posters may be displayed back to back.

16. Posters may not be displayed closer than 30m from traffic intersections, measured from the nearest road reserve boundary.

17. The provisions of section 21(1) (a), 21(1) (e), and the following conditions apply to the position of a sign:

(a) A poster for a political campaign may be displayed on electric light standards only;

(b) a poster may not be displayed on power line standards, road traffic signs and signals, walls, columns and posts of verandas and balconies, electricity boxes, trees or bridges; and

(c) a poster may not cover any municipal markings or painted stripes on lamp posts.

18. No specific limitations are imposed on the colour or texture of a sign.

19. Illumination or animation of a sign is not permitted.

20. The name of the organisation, the date of the function and the venue must appear on the poster in letters not smaller than 50 millimeters in height, and posters displayed when advertising a specific event which is broadly cultural, of public interest, including entertainment events, exhibitions, and trade fairs,

or sporting or religious in nature must have a sticker or marking signifying the approval of the Municipality.

21. Posters relating to newspaper publishers to advertise the headline stories of the main newspapers may only be displayed for maximum period of 24 hours.

22. A sign in this class may not be used for commercial advertising.

23. A poster advertising a specific event which is broadly cultural, of public interest, including entertainment events, exhibitions, and trade fairs, or sporting or religious in nature, may not be displayed unless the prescribed deposit and fees have been paid.

SCHEDULE 11

Project boards (Class 2(d) (iv)) (Section 7(1) (b) (iv) (dd))

1. Subject to the provisions of section 5(4), a project board may be displayed in all areas of control and is subject to deemed consent.
2. Display of a development sign is subject to specific consent in a rural area of maximum control and in an urban area of maximum control.
3. Display of a development sign is subject to deemed consent in an urban area of partial control and in an urban area of minimum control.
4. A project board may not exceed 2 m² in area per consultant or contractor, whether displayed as part of a combined project board or individually.
5. A combined project board may not exceed 6 m² in total.
6. An individual or single board may be displayed only if no other consultants or contractors are involved, or if a combined project board has already been erected.
7. A sign describing the type of development may not exceed 3 meters in height and –
 - (a) may not, in an urban area of maximum control, exceed 4,5 m² in size, and;
 - (b) may not, in any other area of control, exceed 6 m² in size.

8. The provisions of section 21(1)(a), (c)(i) and (iii), and the following conditions apply to the position of a sign:

- (a) Only one advertisement per contractor or consultant may be displayed per street frontage of a site;
- (b) only one advertisement per contractor or consultant per project may be displayed in a rural area of maximum control;
- (c) only one sign describing the type of development may be displayed per premises;
- (d) a project board must be positioned within property boundaries only; and
- (e) a project board concerning road construction may be positioned in any road reserve, including a freeway.

9. No specific limitations are imposed on the colour or texture of a sign.

10. Illumination or animation of a sign is not permitted.

11. A sign may describe the building or structure being erected, or other work or activity being carried out while the project is in progress only, and the names of the contractors or consultants concerned in such work or activity, and the branches of the industry or the professions of the contractors or consultants may be listed.

12. Where a sign describes the type of development being carried out on a site, details concerning the type of accommodation being provided, the floor space available and the name, address and telephone number of the developer or his agent may be contained in the sign.

13. A sign may not be used for commercial advertising.

14. A sign in this class must be removed within 7 days after completion of the project

SCHEDULE 12
Temporary window signs (Class 2(d)(v))
(Section 7(1)(b)(iv)(ee))

- 1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
- 2. Display of a sign is subject to deemed consent.

3. The total area of all temporary signs, which are painted on or attached to the windows of a specific enterprise may not exceed –
- (a) 10 percent of the total ground-floor window area of such enterprise in an urban area of maximum control;
 - (b) 25 percent of the total ground-floor window area of such enterprise in an urban area of partial control; and
 - (c) 50 percent of the total ground-floor window area of such enterprise in an urban area of minimum control.
4. Display of a sign is limited to ground-floor windows.
5. No limitations are imposed on the colour or texture of a sign.
6. Subject to the provisions of section 18(1), 19(4), 21(e) and 22, no internally illuminated signs displayed inside a building in an urban area of maximum control may be visible from outside the building.
7. Display of a sign is subject to the safety requirements as provided for in sections 18(1) and 18(2).
8. Price tags smaller than 0, 01 m² on items inside buildings are excluded from this class.
9. A sign may not be used for commercial advertising.

SCHEDULE 13
Illuminated Street name advertisement signs (Class 2(e))
(Section 7(1)(b)(v))

1. Street name advertisements may be displayed in urban areas along proclaimed main roads and in those roads reserves, which are determined by the municipality from time to time, within an urban area of partial control and an urban area of minimum control only.
2. Street name advertisements may not be displayed in residential areas.
3. Display of street name advertisements is subject to specific consent and comply with such conditions as laid down in Section 2.1 (I) of the Councils Outdoor Advertising policy.
4. The advertising and street name sections must be rectangular in shape.
5. In the case of street name advertisements –
- (a) the street name section –

- (i) must be below the advertising section, but not closer than 200 mm to the advertising section; and
 - (ii) may not have a clear height of less than 2,1 meters; and
 - (b) the advertising space may not be smaller than 0,8 square meter, and may not exceed 1,5 m².
6. The illuminated parts of the sign, must be above the level of standard pole-mounted traffic lights and may not extend over the road surface.
7. The provisions of section 22(1)(a) and (c), and the following conditions apply to the position of a sign:
- (a) A street name advertisement may be displayed at an intersection only, with a maximum of two illuminated signs displayed per intersection; and
 - (b) a street name advertisement may be displayed within an urban road reserve other than a freeway, and on a road median.
8. Static illumination is allowed, but the colours red, amber and green may not be used at signalised traffic intersections.
9. The street name must be in black letters on a white background.
10. Subject to the conditions of section 18(1), 19(4), 21(e) and 22, the following conditions apply to the illumination and animation of a sign:
- (a) Internal illumination of both sections of the sign is permitted, on the condition that the degree of illumination intensity must be equal for both parts of the sign;
 - (b) no form of animation is permitted; and
 - (c) a sign may not flash.
11. A street name on the advertising space must be smaller and less conspicuous than the street name on the actual street name panel, and the layout of the advertising panel must be such that there may not be any confusion with the street name on the street name panel of the sign.
12. Advertising on a directory signboard may include the name and logo only of the industry, and a standard directional arrow.
13. The name only of the street may appear on the street name panel and the words "Street", "Avenue", "Way", or words with a similar denotation may not be used.
14. A street name advertisement should be aimed primarily at advertising and identifying:
- (a) A shopping centre and groups of shops in an arcade or plaza;

- (b) a community facility as provided for in the municipal Zoning Scheme;
- (c) a parking area; or
- (d) a larger and more prominent enterprise and institution, such as an apartment store, a bank and financial institution, an industry, a filling station, and a hotel.

SCHEDULE 14

Neighbourhood watch signs and signs relating to similar schemes (Class 2(f)) (Section 7(1)(b)(vi))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to deemed consent.
3. A sign may not exceed 0,35 m² in area.
4. The clear height of a sign may not exceed 3 meters.
5. In urban areas only one sign may be displayed per street boundary of a stand or subdivision, and the sign must be firmly affixed to the building, boundary wall, fence or gate on the street frontage, or must be displayed within the boundaries of the stand.
6. A neighbourhood watch sign may be displayed within a road reserve other than a freeway at the point of entry to the watch area, but a sign may not be positioned on a road island, road median, or inside a restricted area at street corners as represented in Figure 2, Schedule 36.
7. No specific limitations are imposed on the colour or texture of a sign.
8. Illumination or animation of a sign is not permitted.

SCHEDULE 15

Product replicas and three-dimensional signs (Class 2(g)) (Section 7(1)(b)(vii))

1. A sign may be displayed in an urban area of partial control and an urban area of minimum control only.
2. A sign may not be displayed on municipal land or within formal road reserves.
3. Display of a sign in an urban area of partial control is subject to specific consent.
4. Display of a sign in an urban area of minimum control is subject to deemed consent.
5. The highest point of any free-standing sign may not be more than 3 meters above ground level.

6. Individual signs may not exceed a vertical dimension of 1,5 meters and a diameter of more than 1 meter.
7. Only one sign per enterprise may be attached to buildings or displayed on individual premises, and a sign may not exceed a total sign area of 3 cubic meters in an urban area of partial control, and a total sign area of 6 cubic meters in an urban area of minimum control.
8. A sign attached to a building may not be displayed above the bottom edge of the second-floor window, and may not extend above the level of the underside of the eaves or gutter of the building.
9. A sign may not be placed in front of, or obstruct the view from any window or any other external opening of a building.
10. Items 6 and 7 do not apply to entertainment districts.
11. Signs aimed at the road user must be spaced at the following minimum distances when in view of each other and on the same side of the road:
 - (a) On a road with a speed limit of 81 kilometers per hour and higher the distance between signs may not be less than 250 meters;
 - (b) on a road with a speed limit between 61 kilometers per hour and 80 kilometers per hour the distance between signs may not be less than 200 meters; and
 - (c) on a road with a speed limit below 60 kilometers per hour the distance between signs may not be less than 120 meters.
12. No specific limitations are imposed on the colour or texture of a sign.
13. Subject to the provisions of section 18(1), 19(4) and 22, illumination or animation of a sign is allowed.
14. A product replica may not dominate prominent architectural features of a building, with the exception of buildings in entertainment districts.

SCHEDULE 16
Sky signs (Class 3(a))
(Section 7(1)(c)(i))

1. A sign be displayed in an urban area of partial control and an urban area of minimum control only and is subject to specific consent.
2. A sign may be displayed only after an environmental impact assessment, which includes visual, social and traffic safety aspects, has been undertaken and has been submitted by the applicant to the municipality and which has been approved by the municipality.

3. A sign may not exceed a maximum size of 150 m², unless the municipality, after being requested therefore in writing, grants an exemption for a sign up to a maximum size of 300m².
4. A maximum of only one sign per skyscraper may be displayed.
5. The municipality, having regard to the outcome of an impact assessment, and having taken into consideration factors such as the size and character of the business centre and surrounding area, the lifestyle of the local community, and the nature of host skyscraper, shall specify the size of a sign and the number of signs which may be displayed, and a person who intends to display a sign may not display a sign in contravention of the municipality's specifications.
6. A sign may not project in front of a main wall of a host building so as to extend in any direction beyond the roof of such a building.
7. A sign may not obstruct the view from any other building or a prominent viewpoint in the City.
8. In the instance where cluttering of signs occurs, the municipality may by written notice in terms of section 11(2) require the person who displays a sign to remove the sign within a specified period.
9. No specific limitations are imposed on the colour or texture of a sign.
10. Subject to the provisions of sections 18(1), 19(4) and 22, illumination of a sign is allowed.
11. A sign must be designed by a structural engineer.
12. The municipality may approve the display of a sign for a period not exceeding five years.
13. The advertisement contents of an approved sign may not be changed without approval by the municipality based on an additional impact assessment submitted to and approved by the municipality.

SCHEDULE 17
Roof signs (Class 3(b))
(Section 7(1)(c)(ii))

1. A sign may be displayed in an urban area of partial control and an urban area of minimum control only.
2. Display of a sign is subject to specific consent.
3. A sign may not be so affixed that the bottom of the sign is more than 1, 2 meter above the nearest portion of the roof beneath it.
4. A sign must be constructed in a straight line, except in the case of a V-construction, where the two sides forming the sides of the V must be of equal length, and the distance between the sides at the open end furthestmost from the apex of the V may not exceed the length of the sides.

5. A sign may not exceed in size the following areas:

- (a) The maximum area of a sign may not exceed two square meters when the height of the sign above ground level is less than six meters;
- (b) the maximum area of a sign may not exceed four square meters when the height of the sign above ground level is between six meters and nine meters;
- (c) the maximum area of a sign may not exceed eight square meters when the height of the sign above ground level is between nine meters and 12 meters;
- (d) the maximum area of a sign may not exceed 12 square meters when the height of the sign above ground level is between 12 meters and 18 meters; and
- (e) the maximum area of a sign may not exceed 18 square meters when the height of the sign above ground level is greater than 18 meters

6. In the case of a V-construction sign the above areas apply separately to the two vertical faces of the sides forming the V.

7. A sign may not exceed 300 mm in thickness, except in the case of a V-construction sign.

8. Only one sign may be displayed per building.

9. A sign may not project in front of a main wall of a building so as to extend in any direction beyond the roof of such building.

10. In an urban area of partial control, a sign must be placed well below the ridge of a pitched roof so as not to form part of the skyline of such building.

11. No specific limitations are imposed on the colour or texture of a sign.

12. Subject to the provisions of section 18(1), 19(4) and 22, illumination of a sign is allowed.

13. No advertising of this class of signs may be done on residential buildings.

SCHEDULE 18
Flat signs (Class 3(c))
(Section 7(1)(c)(iii))

1. A sign may be displayed, subject to specific consent, in an urban area of maximum control, an urban area of partial control and an urban area of minimum control, and at centres of economic activity in an urban area of minimum control.

2. Display of a sign is limited to buildings utilised for commercial, office, industrial or entertainment purposes, and larger accommodation facilities.

3. A non-locality bound sign may not be displayed on a building used mainly for residential purposes or for community services, or a community institution, a small enterprise and a practice on residential premises, or a small-scale residential-oriented accommodation.
4. Only a locality-bound sign may be displayed in a rural area of maximum control and an urban area of maximum control.
5. The requirements concerning consent are as follows:
 - (a) Display of a sign in a rural area of maximum control and an urban area of maximum control is subject to specific consent;
 - (b) display of a sign in an urban area of partial control and an urban area of minimum control is subject to specific consent for a non-locality bound sign;
 - (c) display of a sign in an urban area of partial control and an urban area of minimum control is subject to specific consent for a locality-bound sign above first-floor level; and
 - (d) display of a sign in an urban area of partial control and an urban area of minimum control is subject to deemed consent for a locality-bound sign at first or ground-floor level.
6. Unless otherwise stipulated, flat signs shall at no point project more than 150mm from the surface of the wall to which they are attached.
7. On-site, locality bound flat signs shall be permitted to be attached to the front, side and back walls of buildings; non-locality bound flat signs shall only be permitted to be attached to the side and back walls of buildings which do not fulfil the function of a building facade.
8. No more than two locality bound flat signs per enterprise shall be permitted and only one flat sign per enterprise per wall shall be permitted;
9. Flat signs shall not cover any windows or other external openings of a building or obstruct the view from such openings.
10. Flat signs shall not exceed 54m² in total area or exceed 50% of the visible wall surface area to which they are attached, affixed or painted, whichever is the lesser, provided that in urban landscapes of partial to maximum control, the signs may not exceed 25% of the visible wall surface area.
11. An Environmental Impact Assessment shall be required for all flat signs in excess of 36m².
12. Flat signs shall not extend beyond the ends of the wall to which it is attached in any direction.
13. Locality bound flat signs shall not contain advertising matter other than exclusively directional on more than 50% of the area of any face thereof.

14. Non-locality bound advertising signs shall only be permitted on blank return and back walls that have no openable sections or that compromise any architectural features.

15. Flat signs smaller than 4,5 m² in area that are not illuminated and contain only the name of the business, the type of business conducted and the contact details, are subject to deemed consent.

SCHEDULE 19
Projecting signs (Class 3(d))
(Section 7(1) (c) (iv))

1. A sign may be displayed in an urban area of maximum control, an urban area of partial control and an urban area of minimum control, and at centres of economic activity in a rural area of maximum control.

2. Display of a projecting sign is limited to a building utilised for commercial, office, industrial or entertainment purposes and to a larger accommodation facility.

3. A sign may not be displayed on a building used for residential purposes or for community services or community institutions, a small enterprise and a practice on residential premises, or a small-scale residential-oriented accommodation.

4. Only a locality-bound sign may be displayed.

5. Consent requirements are as follows:

- (a) Display of a sign in a rural area of maximum control and an urban area of maximum control is subject to specific consent;
- (b) display of a sign in an urban area of partial control and an urban area of minimum control is subject to specific consent; and

6. A projecting sign may not be affixed at a clear height of less than 2, 4 meters.

7. A projecting sign may not exceed 300 mm in thickness.

8. The maximum sizes and dimensions of signs displayed in an urban area of maximum control are as follows:

- (a) Where the clear height of the sign is below six meters, the maximum size of the sign may not exceed 1,2 m², the maximum horizontal width may not exceed one meter, and the maximum vertical length may not exceed 1.5 meter; and
- (b) where the clear height of the sign is above six meters, the maximum size of the sign may not exceed four square meters, the maximum horizontal width may not exceed 1,5 meter, and the maximum vertical length may not exceed three meter.

9. The maximum size and dimension of a sign displayed in an urban area of partial control and an urban area of minimum control is as follows:

- (a) Where the clear height of the sign is below six meters, the maximum size of the sign may not exceed 2,4 m², the maximum horizontal width may not exceed 1,5 meters, and the maximum vertical length may not exceed three meters; and
- (b) where the clear height of the sign is above six meters, the maximum size of the sign may not exceed eight square meters, the maximum horizontal width may not exceed two meters, and the maximum vertical length may not exceed five meters.

10. A projecting sign shall not be displayed within 5m of any other projecting sign displayed on the same building.

11. In an urban area of partial control and an urban area of minimum control, a projecting sign may be displayed below the lower edge of a visible second-floor window in accordance with the commercial, industrial or entertainment character of such area, and the aesthetic control of the sign will be determined by the municipality from time to time.

12. The display of a projecting sign above the lower edge of a visible second-floor window is limited to the following enterprises or function:

- (a) A bank and a financial institution;
- (b) a larger apartment store;
- (c) a larger hotel;
- (d) a larger industry;
- (e) a government institution;
- (f) a shopping centre; and
- (g) a building's name.

13. A sign may not be affixed otherwise than at right angles to the street line.

14. A sign may not extend beyond the top of the main wall to which it is affixed or above the level of the top of any parapet wall, or above the level of the underside of the eaves or gutter of a building from which the sign projects.

15. A sign may be suspended above a sidewalk and thus above an urban road reserve and projecting signs shall not be allowed to extend within 450mm of the edge of a roadway; nor extend within 1,5m from any overhead electricity wires or cables.

16. A sign with a clear height of less than six meters may not project at any point more than 800 millimeters from the surface of the main wall to which it is affixed, or more than one half of the width of the sidewalk immediately below such sign, whichever is the smaller dimension.
17. A sign may not be affixed in any way other than the top and the bottom of the sign being in the same vertical plane.
18. No specific limitations are imposed on the colour or texture of a sign.
19. Subject to the provisions of section 18(1), 19(4) and 22, illumination of a sign is allowed.
20. The provisions of section 21(1)(e) apply with regard to an illuminated sign within a restricted area on a street corner.
21. The supports of a sign must be neatly constructed as an integral part of the design of the sign, or else must be concealed from view.
22. A person who intends to display a projecting sign with a clear height of more than six meters, must submit a structural drawing to the municipality for consideration and approval by the municipality.
23. Projecting signs shall not contain advertising matter other than exclusively directional on more than 50% of the area of any face thereof.
24. A projecting sign shall not be displayed within 5m of any other projecting sign displayed on the same building.

SCHEDULE 20

Veranda, balcony, canopy and under awning signs (Class 3(e) (Section 7(1) (c) (v))

1. A sign may be displayed in an urban area of maximum control, an urban area of partial control, an urban area of minimum control, and at centres of economic activity in a rural area of maximum control.
2. Display of a sign in –
 - (a) a rural area of maximum control is subject to specific consent;
 - (b) an urban area of maximum control is subject to specific consent;
 - (c) an urban area of partial control is subject to deemed consent; and
 - (d) an urban area of minimum control is subject to deemed consent.
3. If a sign is affixed flat onto or painted on –
 - (a) a parapet wall;

- (b) balustrade;
- (c) railing of a veranda;
- (d) railing of a balcony;
- (e) the fascia of a veranda;
- (f) a beam over veranda columns; or
- (g) a fascia of a roof structure without walls, such sign may not –
 - (i) project at any point more than 100 mm from the surface to which it is affixed;
 - (ii) exceed a depth of 1000 square millimeters and a length of 2,4 meters; and
 - (iii) extend above or below or beyond any of the extremities of the parapet wall, balustrade, railing, beam or fascia, as the case may be.

4. Not more than one of the signs contemplated in item 3(a) – (g) may be displayed per enterprise facade, except in the case of an enterprise with a facade exceeding 20 meters in length, in which case –

- (a) more than one sign may be displayed;
- (b) the signs must be spaced at a minimum of three meters intervals; and
- (c) the total sign length per enterprise facade is limited to four square meters.

5. A sign on a balcony may not be displayed above the lower edge of any visible second-floor window.

6. An under awning sign –

- (a) must be aimed at pedestrians;
- (b) must be fixed at right angles to the street line;
- (c) must have a minimum clear height of 2,4 meters;
- (d) may have a maximum sign length of 1,8 meters; and
- (e) may have a maximum sign area of 1 m² on each face with a maximum of 2m² in total sign area.

7. No more than one under awning sign may be displayed per enterprise facade, except in the case of an enterprise facade which exceeds 20 meters in length, in which case more than one sign may be displayed, and the signs must be spaced at a minimum of three meters intervals.

8. A sign on top of a veranda roof –

- (a) may be placed on top of a veranda roof only where such a veranda does not have an appropriate parapet wall, balustrade, railing, fascia or beam on which a sign may be affixed;
- (b) must be set parallel to the end of the veranda that faces the street or as near thereto as the configuration of the veranda roof will permit;
- (c) may not extend beyond the extremities of the veranda roof, nor project beyond thereat of any veranda roof gutter;
- (d) may not cover any window or obstruct the view from any such window; and
- (e) may not exceed a maximum area of 1 m².

9. Signs on top of veranda roofs on adjacent buildings must be aligned with each other in order to form a straight line.

10. Only one sign may be displayed on top of a veranda roof per enterprise facade.

11. The following conditions apply to a sign painted on or affixed to a supporting column, pillar or post, as the case may be:

- (a) A sign must be painted on or affixed flat onto the supporting column, pillar or post;
- (b) a projecting sign may be affixed to a column, pillar or post supporting a roof over fuel pumps at a filling station or roadside service area only, and may not exceed one square meter per sign face or two square meters per total sign area;
- (c) a sign affixed flat onto a supporting column, pillar or post may not project more than 50 millimeters from the surface to which it is affixed;
- (d) a sign affixed flat onto a supporting column, pillar or post may not extend beyond any of the extremities of such a column, pillar or post;
- (e) a sign affixed flat onto a non-rectangular supporting structure must be curved to fit the form of such structure;
- (f) only one sign may be displayed per pillar, post or column, and this applies also to a sign projecting from a pillar, post or column supporting a roof at fuel pumps; and
- (g) no posters or placards may be pasted onto a supporting column, pillar or post.

12. A canopy sign must form an integral part of the canopy or blind without dominating the canopy structure or blind.

13. A sign may be suspended above a sidewalk and therefore above an urban road reserve, but may not be displayed on a freeway.

14. No limitations are imposed on the colour or texture of a sign.
15. Subject to the provisions of sections 18(1), 19(4) and 21(1)(e), no illuminated sign or sign designed to reflect light may be attached to or displayed at a street intersection on any splayed or rounded corner of a veranda, canopy or balcony, unless the clear height of the sign is six meters.
16. This Schedule applies to the display of a sign on a roof structure covering fuel pumps, and the display of a sign attached to a roof structure pillar at a filling station and roadside service area.

SCHEDULE 21
Signs painted on walls and roofs (Class 3(f))
(Section 7(1)(c)(vi))

1. A sign be displayed in an urban area of partial control and an urban area of minimum control only.
2. Display of a sign is subject to specific consent.
3. A sign painted onto the facade or roof of a building may not exceed 20 percent of the ground floor facade of the enterprise to which such sign pertains.
4. The total area of all signs painted onto the side walls of a building may not exceed 36 square meters, and the actual size of a sign will depend on the size of the side wall concerned and on other factors, such as the character and appearance of the building and the streetscape as a whole.
5. The following conditions apply to the position of a sign:
 - (a) A non-locality-bound sign may not be displayed on the side wall of a building;
 - (b) a locality-bound sign may be displayed on a facade wall, roof and side wall; and
 - (c) a sign painted onto the facade of a building may be displayed at a position below the lower edge of any visible second-floor window only.
6. No specific limitations are imposed on the colour or texture of a sign.
7. Illumination of a sign is not permitted.

8. Signs in this class may only be painted on the main walls or roof of a building used for commercial, office, industrial or entertainment purposes.

SCHEDULE 22
Window signs (Class 3(g))
(Section 7(1)(c)(vii))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control, and at centres of economic activity in a rural area of maximum control.
2. A sign may be displayed on ground-floor windows only.
3. Display of a sign is subject to deemed consent.
4. The total area of all permanent signs painted on or attached to the windows of a specific enterprise may not exceed –
 - (a) 10 percent of the total ground-floor window area of such enterprise in an urban area of maximum control;
 - (b) 25 percent of the total ground-floor window area of such enterprise in a rural area of maximum control and an urban area of partial control; and
 - (c) 50 percent of the total ground-floor window area of such enterprise in an urban area of minimum control.
5. A sign may not be displayed above ground-floor level.
6. In an urban area of maximum control colours must be in harmony with the rest of the building and the general streetscape.
7. No specific limitations are imposed in other areas of control.
8. No internally illuminated signs inside a building may be visible from outside the building in an urban area of maximum control.

SCHEDULE 23
Signs incorporated in fabric of building (Class 3(h))
(Section 7(1)(c)(viii))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to specific consent.

3. No specific limitations are set on the shape, size and height of a sign, however the building, or structure, or any external face of the building or structure may not be used principally for the display of signs.
4. No sign displayed may distract the attention of a driver in a manner likely to lead to unsafe driving conditions.
5. A sign must be in balance with the scale of the building and must be visually and architecturally integrated into the building or structure.
6. A sign must be maintained properly.
7. No sign may be displayed in such a manner as to be detrimental to or have a negative aesthetic impact on the urban design, streetscape or character of the environment.

SCHEDULE 24

Signs on forecourts of business premises Class 3(i) (Section 7(1)(c)(ix))

1. A sign may be displayed in an urban area of maximum control, an urban area of partial control, and an urban area of minimum control, and on forecourts in centres of economic activity in a rural area of maximum control.
2. Display of a sign is subject to deemed consent.
3. An individual free-standing forecourt sign may not –
 - (a) exceed 1,64 m² in size if it is a single-sided sign; and
 - (b) exceed 3,28 m² in size if it is a double-sided sign.
4. The total area for all free-standing forecourt advertisements displayed may not exceed five square meters on each forecourt frontage to a premises.
5. The total area for all free-standing advertisements displayed on the forecourts at filling stations and roadside service areas may not exceed eight square meters per forecourt frontage.
6. The maximum size of a non-free-standing sign attached to a fuel pump, vending machine and a similar non-advertising structure at a filling station and service area, may not exceed 0,15 m².
7. The provisions of section 21(1)(e), and the following conditions apply to the position of a sign:

- (a) A notice, sign or advertisement must be free-standing with the exception of an additional sign area attached to a fuel pump and similar non-advertising structure at a filling station and roadside service;
 - (b) display of a sign is not permitted inside a formal road reserve;
 - (c) a forecourt sign may not be positioned in such a way as to interfere with pedestrian circulation; and
 - (d) a sign must be aimed at passing pedestrians and the users of the forecourt space concerned and may not be aimed at passing motorists.
8. No limitations are imposed on the colour or texture of a sign.
9. Subject to sections 18(1), 19(4), and 22, illumination of a sign is allowed.
10. No animation of a sign is allowed.
11. A hand-written message is allowed on a board provided for writing messages on.

SCHEDULE 25

Signs for residential-oriented land use and community services (Class 3(j)) (Section 7(1)(c)(x))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to deemed consent.
3. The following conditions apply to the display of direction and warning signs and notices such as "Beware of the dog", and "Burglar Alarm":
- (a) A sign may not exceed a total area of 0,08 m² per premises; and
 - (b) if there is more than one entrance to the premises on different road frontages, a total sign area of 0.16 m² may be displayed, with not more than 0, 08 m² per frontage.
4. The following conditions apply to the display of a sign indicating the name and the nature of an accommodation facility, including a bed-and-breakfast establishment, a crèche or any other pre-school caring centre, within an area with a residential character:
- (a) One sign with a maximum area of 1 m² per premises may be displayed;
 - (b) if there are more than one entrance to the premises on different road frontages, two signs with a combined maximum area of 1,5 m² each may be displayed with each on a different frontage;

- (c) where a solid supporting structure is provided, the maximum area per sign, including the supporting structure, may not exceed 3 m² and the sign panel or lettering may not occupy more than 50 percent of the total sign area;
- (d) where more than one smallholding or farm share the same unnumbered or private access route a combination sign or collective board must be provided which will allow for 1 m² per farm or smallholding; and
- (e) where more than one enterprise shares the same premises, a combination sign or collective board must be provided which allows for 1 m² per enterprise.

5. Where a sign indicates the name and nature of home occupation from a place of residence, an accommodation facility, or the name of a proprietor, partner or practitioner, one sign with a maximum area of 0,08 m² may be displayed per premises.

6. The following conditions apply to a sign indicating the name and nature of an institution or other community facility:

- (a) A sign with a maximum area of 3 m² may be displayed per premises;
- (b) if there are more than one entrance to the premises on different road frontages, two signs with a maximum area of three square meters each may be displayed, with each on a different frontage;
- (c) where a solid supporting structure forms part of the sign, the total sign area may be enlarged to 6 m², and the actual sign panel or lettering may not occupy more than 50 percent of the total sign area; and
- (d) where more than one institution or community facility share the same premises, a combination sign or collective board may be displayed which allows for 2 m² per institution or community facility.

7. Where a sign indicates a street number, one sign may be displayed per road frontage of each premises, with a minimum letter size of 150 mm and a maximum size of 350 mm.

8. The highest point of any single free-standing sign may not extend 3 meters above ground level, and the highest point of any combination sign may not extend four meters above ground level.

9. The name or logo, or both the name and logo of the sponsor of a sign may be displayed on the name signs of smallholdings only, and may not occupy more than one-third of the total area of the sign.

10. A sign may be displayed on the premises to which it specifically refers, or on the boundary wall or fence or gate of such premises only.

11. A farm or smallholding name sign may be displayed next to the entrance of the access road to the homestead, or alternatively may be affixed to the gate at the entrance of such access road.

12. Where several smallholdings share the same unnumbered or private access road –
- (a) a collective board or combination sign may be displayed at the entrance to the access road, but no smallholding name sign may be displayed if any official traffic sign bearing a destination or route number is displayed at the entrance to such access road; or
 - (b) a combination sign or collective board may be provided which will allow for 1 m² per farm or smallholding.
13. Where several smallholdings share an access road, a sign indicating the property numbers in question only may be displayed, and not a combination sign indicating property names and names of owners.
14. The display of a sign in this class is allowed inside such a restricted area only if there is no other appropriate way of displaying the sign, however the sign may not be displayed inside a road reserve.
15. The colour or texture of a sign must, wherever possible, harmonise with the building on the premises.
16. No animation of a sign is permitted.
17. No illumination of a sign is permitted in a rural area of maximum control.
18. The illumination of signs in urban areas of control must comply with the provisions of sections 18(1), 19(4) and 22.
19. The design and construction of a sign, a sign, and a supporting structure must harmonise, wherever possible, with the buildings and other structures on the premises as regards materials, colour, texture, form, style and character.
20. A free-standing sign may only be displayed when it is not practical or visually acceptable to attach a sign to a building, boundary wall, boundary fence, gate or gate structure.

SCHEDULE 26

On-premises business signs (Class 3(k) (Section 7(1)(c)(xi))

1. For the purposes of this Schedule, the term ‘**premises**’ in the definition of “**locality bound sign**” includes a shopping centre, or industrial estate as a whole, or a communal parking area together with related enterprises.
2. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
3. Display of a sign is subject to specific consent.
4. A sign may only be displayed in the following instances:

- (a) Where the building housing an enterprise is situated relatively far back from the road or street onto which it faces, and a passing motorist or pedestrian may have difficulty in noticing a sign affixed to such building;
 - (b) where it is not structurally possible or visually feasible to display an appropriate sign on a building, such as a sign contemplated in section 7(1)(c)(iii), being a sign in subclass 3(c) (flat signs), a sign contemplated in section 7(1)(c)(iv), being a sign in the subclass 3(d) (projecting signs), or a sign contemplated in section 7(1)(c)(v), being a sign in the subclass 3(e) (veranda, balcony, canopy, and under awning signs);
 - (c) where a sign is needed to locate the entrance to business premises or the private access road to a business; or
 - (d) where a free-standing combination sign may prevent a proliferation of signs.
5. Only one sign per enterprise may be displayed on a combination sign.
6. If there is more than one entrance to premises on different road frontages, two signs or advertising panels may be displayed per enterprise, each on a different road frontage.
7. Display of a sign at a farm stall or an access road to a farm or smallholding in an urban area of maximum control is subject to the following conditions:
- (a) A maximum sign area of two square meters is permitted, provided that where a sign is affixed to a non-advertising structure such as a boundary wall, gate or gate structure, the sign may not occupy more than 50 percent of the structure to which it is affixed;
 - (b) a sign may not extend above or beyond any of the extremities of the structure to which it is affixed;
 - (c) where a solid advertising structure is used, the maximum area per sign, including the supporting structure, may not exceed 4 m², and the sign panel or lettering may not occupy more than 50 percent of the total sign area; and
 - (d) where a sign is incorporated in a combination sign displayed at an access road, the maximum sign panel area may not exceed 1,5 m².
8. Display of a sign, excluding a sign displayed in terms of item 4(c) above, in an urban area of maximum control is subject to the following conditions:
- (a) A maximum sign area of 4,5 m² is permitted, provided that where a sign is affixed to a non-advertising structure such as a boundary wall or gate structure, it may not occupy more than 50 percent of the structure to which it is affixed;
 - (b) a sign may not extend above or beyond any of the extremities of the structure to which it is affixed;

- (c) where a solid advertising structure is used, the maximum area per sign, including the supporting structure, may not exceed nine square meters, but the actual sign panel or lettering may not occupy more than 50 percent of the total sign area; and
- (d) where a sign is incorporated in a combination sign, the maximum sign panel area per sign panel may not exceed three square meters.

9. Display of a sign in an urban area of partial control and an urban area of minimum control is subject to the following conditions:

- (a) For a combination stacked sign, a maximum size of 12 m² and these signs shall have a clear height of not less than 2, 4 meters. No panel of a stacked structure(s) shall exceed a maximum size of 4, 5 m² and the clear height of a stacked structure shall not be less than 2, 4 meters.
- (b) Stacked structures should harmonize aesthetically with buildings and streetscapes.
- (c) A maximum sign area of 6 square meters for other signs that are not combination stacked signs is permitted with provided that where a sign is affixed to a non-advertising structure such as a boundary wall or gate structure it may not occupy more than 50 percent of the structure to which it is affixed;
- (d) a sign may not extend above or beyond any of the extremities of the structure to which it is affixed;
- (e) where a solid advertising structure is used, the maximum area per sign, including the supporting structure, may not exceed 12 m², but the actual sign panel or lettering may not occupy more than 50 percent of the total sign area; and

10. The following conditions apply to the height of a sign:

- (a) The highest point of a single-freestanding sign at a farm stall and a farm access road in an urban area of maximum control may not exceed a height of three meters above ground level, and that of any other sign may not exceed 4 m²;
- (b) the highest point of a combination sign at a farm stall and a farm access road in an urban area of maximum control may not exceed a height of four meters above ground level, and that of any other combination sign may not exceed 7 m²;
- (c) the highest point of a single-freestanding sign in an urban area of partial control and an urban area of minimum control may not exceed a height of four meters above ground level; and
- (d) the highest point of a combination sign in an urban area of partial control and an urban area of minimum control may not exceed a height of 7 meters above ground level.

11. The name or logo, or both the name and logo of the sponsor of an on-premises business sign may not occupy more than one-third of the total area of a sign, and it must refer to products and services available on those specific premises or at that specific enterprise.

12. A sign displayed in an urban area of partial control and an urban area of minimum control may not have in its design any letters, figures, symbols or similar features over 0,75 metre in size.
13. A sign displayed in an urban area of maximum control may not have in its design any letters, figures, symbols or similar features over 0,35 metre in size.
14. A sign displayed may not serve as an advance sign and may be displayed only on the premises where the business is conducted.
15. Where a business or enterprise, such as a stall or guest-house is situated on a large property such as a large smallholding, the sign must be placed in the immediate vicinity of the enterprise if such enterprise is adjacent to or visible from a public road, but if the enterprise is not adjacent to or visible from a public road, the sign must be placed at the entrance of the private access road to the enterprise.
16. A sign indicating a roadside enterprise, such as a farm stall or a roadside café may not be closer than five meters from a road reserve fence, and such enterprise must have direct access to the public road.
17. A combination sign displayed at a shopping centre or industrial estate and which contain a large amount of information must be designed and located with care so as not to create a traffic safety hazard because of an information overload.
18. No sign may obstruct the view from any adjacent building.
19. No limitations are imposed on the colour or texture of a sign.
20. The provisions of section 18(1), 19(4), 21(e), 22, and the following conditions apply to the illumination and animation of a sign:
 - (a) Internal and external illumination is permitted in an urban area of partial control and an urban area of minimum control;
 - (b) external illumination only is permitted in an urban area of maximum control; and
 - (c) animation is prohibited in all areas of control.
21. A sign may contain only –
 - (a) the name and nature of the business or enterprise on the premises, except where such a sign is constructed on an approved lay-by area where vehicles can safely park out of flowing traffic, then such signs may contain the contact numbers of a business as well;
 - (b) the brand-name and nature of the goods for sale or goods produced;
 - (c) the nature of services provided; and

- (d) the name of the person or persons who owns or own the business or who provides or provide the goods or services at the premises, or the firm or firms which owns or own the business or which provides or provide the goods or services at the premises.

22. The design and construction of a sign must be aimed at the prevention of proliferation of signs at shopping centres, other premises, or access roads housing or leading to several enterprises, and –

- (a) individual signs must be incorporated in a combination sign, and the design of a combination sign must be of a high standard and must harmonise with the architecture of the shopping centre or other buildings or structures, such as entrance gates;
- (b) messages displayed on the individual panels or boards of a combination sign must be concise and legible; and
- (c) signs displayed at access roads to farms or smallholdings must be co-ordinated with a sign contemplated in section 7(1)(c)(x), being a sign in subclass 3(j) (signs for residential-oriented land use and community services) indicating smallholding names in order to form a single combination sign, and the necessary harmony must be achieved by using the same form, letter type and colour for the various parts of the combination sign.

SCHEDULE 27

Signs on towers, bridges and pylons (Class 3(I) (Section 7(1)(c)(xii))

1. Display of a sign is permitted in an urban area of partial control and an urban area of minimum control only.
2. Display of a sign is subject to specific consent.
3. Subject to the provisions of section 21(1), a sign may not be displayed in an urban area of maximum control on a bridge across a freeway.
4. Written permission for the display of a sign on a bridge in an urban area of partial control and an urban area of minimum control must, prior to the display of the sign, be obtained from the institution or authority responsible for the maintenance of the structure where such maintenance is not the responsibility of the municipality.
5. The maximum aggregate sign area per tower, bridge or pylon may not exceed 36 m².
6. In the instance where a sign is displayed on a pylon, the pylon without the sign must be such that the entire assembly can be wholly contained within a notional vertical cylindrical figure with a diameter of six meters and a height of 12 meters.

7. In the instance where a sign is displayed on a pylon, no protruding part of the sign may be less than 2,4 meters above the highest point of the existing ground level immediately below such pylon or sign.

8. No sign may extend beyond the top of a tower.

9. No sign may extend above, below, or beyond any of the extremities of a bridge.

10. No sign may be affixed to any structural column of a bridge.

11. A sign may not project more than 300 mm from the main wall of a tower, or from a bridge structure.

12. No limitations are imposed on the colour or texture of a sign.

13. Subject to the provisions of section 18(1),19(4) and 22, illumination or animation may be permitted in an urban area of minimum control, provided such illumination or animation does not constitute a road safety hazard, or cause undue disturbance.

14. In the instance of cellular masts, and in addition to the applicable requirements set out in this schedule, applications for advertising on cellular masts shall be treated individually on their own merits, and in considering the application, the following shall be taken into account:

- (a) The locality of the cellular mast, the land-use zoning of the erf on which it is positioned and its visual impact;
- (b) preference shall be given to advertising on cellular masts in shopping centres, in areas of concentrated commercial or industrial activity and on suitable portions of Council-owned land where the municipality can derive an income from the advertising installation;
- (c) full details of the name boards, wording, logo, materials to be used, the exact size and location of the boards on the mast and details of any illumination or special effects must be provided when applying for permission to place advertisements on a cellular mast; and
- (d) the same general environmental and aesthetic criteria applicable to signs contemplated in section 7(1)(a), being signs in class 1(billboards and other high impact free-standing signs) and signs contemplated in section 7(1) (c) (i), being a sign in class 3(a) (sky signs) apply to advertising on cellular masts.

15. The following apply to gantry advertising;

- (a) Gantry advertising is not allowed in areas of maximum control;
- (b) approval of gantry advertising is subject to a resolution of the full Council of the Newcastle Municipality;
- (c) the vertical supporting structures of gantries shall not be located within road reserves and may not be used for advertising;

- (d) the supporting structures of gantries must be designed in such a way that it forms an aesthetically pleasing component of the gantry itself;
 - (e) the gantry beams must be designed in such a manner that exposed parts thereof will be aesthetically pleasing;
 - (f) vacant advertising space may not be advertised on a gantry or a bridge;
 - (g) no animation, 3D replicas or cut-out silhouettes are allowed on gantries or bridges;
 - (h) the minimum height of a gantry is 6m above the level of the street below;
 - (i) gantries are not allowed within 300m of signalized traffic intersections where overhead traffic lights had been installed;
 - (j) lighting units and their supports may not be located lower than the lower edge of a gantry or bridge deck;
 - (k) no more than one advertisement may be displayed per direction on a gantry or a bridge;
 - (l) the minimum height of letters is 200mm;
 - (m) the height of a gantry advertising sign may not exceed 3m;
 - (n) gantries may not be supported on a median island where the median island is less than 10m wide, and a minimum distance between a median island support and an adjacent roadway may not be less than 4.5m;
 - (o) advertising gantries may not be spaced closer than 2km along the same street, however, gantries for official streetscaping projects are excluded from this requirement; and
 - (p) advertising gantries may not be closer than 200m to traffic intersections along arterial roads and closer than 150m to traffic intersections on lower order roads.
16. (a) The display of formal road traffic signage on bridges, to convey directional or tourist information, shall receive a higher priority than the display of advertisements or non-essential community information.
- (b) The municipality may instruct an advertiser to remove advertisements from a bridge, should it become necessary to display formal road traffic signs at a particular position, and the advertiser retains the right to a full or partial refund of application fees and costs incurred to manufacture the advertising sign, but not to fund any contractual obligations or subsequent liabilities where a third party is involved.

SCHEDULE 28

Signs on construction site boundary walls and fences (Class 3(m)) (Section 7(1) (c) (xiii))

1. A sign may be displayed in an urban area of partial control and an urban area of minimum control only, subject to the following conditions:
 - (a) The sign must conceal an unsightly condition arising out of the use to which the property is lawfully being put; and
 - (b) the sign must be making a positive contribution to the visual environment.
2. A person can apply for approval of a building wrap from the municipality for construction sites and this is subject to specific consent and the conditions set by the municipality in the approval.
3. Display of a sign is subject to specific consent.
4. The size of a sign may not exceed a total area of 18 m², and the height of a sign may not exceed three meters.
5. The provisions of section 21(1) (d) and (e), and the following conditions apply to the position of a sign:
 - (a) A sign may not be placed on the top of a fence or wall unless it is positioned to rest directly thereon; and
 - (b) a sign may not project more than 100 mm to the front of the wall or fence to which it is affixed.
6. No limitations are imposed on the colour or texture of a sign.
7. Illumination or animation of a sign is not permitted.
8. A sign may not be painted or pasted directly onto a construction site boundary wall or fence, and poster signs in this class must be enclosed within definite panels similar to those described in item 11 of class 2(d)(iii)), and must be uniform in size and level.
9. Signs displayed on a fence or wall must be treated as a visual unity, and wherever possible, a sign contemplated in section 7(1)(d) (iv), being a sign in subclass 2(d) (iv) (project boards), if displayed, should also be incorporated in this unified design.
10. A sign must always make a positive contribution to a particular streetscape.
11. A sign may be displayed for the duration only of the construction work.

SCHEDULE 29

Sponsored road traffic projects signs (Class 4(a)) (Section 7(1) (d) (i))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.

2. Display of a sign in a rural area of maximum control and an urban area of maximum control is subject to specific consent.
3. Display of a sign in an urban area of partial control and an urban area of minimum control is subject to deemed consent.
4. A sign may not exceed 4, 5 m² in size, and no part of the sign may be higher than three meters above ground level.
5. A sign may contain the name of the project, and the name or logo, or the name and logo of the sponsor only, and the name or logo, or both the name and logo of the sponsor of a project may not occupy more than one-third of the total area of a sign.
6. In the case of an advertisement displayed on an SOS call-box, a duplicate advertisement may be attached to each side of the call-box, and its size is limited to 0,04 m² on each side of the call-box.
7. Signs displayed on the same side of the road, excluding SOS call-boxes, may not be closer than five kilometers from each other.
8. No limitations are imposed on the colour or texture of a sign.
9. Illumination or animation of a sign is not permitted.
10. Retro-reflective material may be used to improve the conspicuousness of emergency facilities such as SOS emergency call boxes.

SCHEDULE 30
Service facility signs (Class 4(b))
(Section 7(1)(d)(ii))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to specific consent.
3. A person who displays a sign must, before the sign is displayed, enter into a lease agreement with the municipality for the lease of the site on which the sign is to be displayed.
4. A combination sign may not exceed the following dimensions:
 - (a) A height of 7,5 meters and a width of 2,5 meters, if displayed in an urban area of control;
 - (b) a height of 10 meters and a width of three meters, if displayed on a freeway; and
 - (c) a height of 20 meters and a width of six meters, if displayed in a rural area of maximum control.
5. A maximum of eight advertising panels is allowed per combination sign.
6. Only one business, enterprise, or service may be displayed per advertising panel.
7. An advertising panel may not exceed the following sizes:

- (a) 4,5 m² in an urban area of control;
- (b) 6 m² on a freeway; and
- (c) 18 m² in a rural area of maximum control.

8. Only one combination sign as permitted in this class may be displayed on the premises of a filling station or roadside service area.

9. The provisions of section 21(1)(d) and (e), and apply and a sign may not be displayed closer than –

- (a) 50 meters to the road reserve boundary of any road in a rural area of maximum control;
- (b) 50 meters to the road reserve boundary of a freeway; and
- (c) five meters to the road reserve boundary of any other urban road; and

10. No specific limitations are imposed on the colour or texture of a sign.

11. The provisions of section 19(4) and 22, and the following conditions apply to the illumination and animation of a sign:

- (a) A sign may be illuminated only if the business provides a 24-hour service;
- (b) a facility with limited after-hours services may illuminate its signs during its business hours only; and
- (c) no animation of a sign is permitted.

12. Should a person wish to display a sign which exceeds the sizes stipulated in item 7, he or she must submit a proposal to the municipality for approval by the municipality, which proposal must include –

- (a) a location plan;
- (b) detail drawings of the sign;
- (c) an engineer's certificate verifying that the sign was designed by a structural engineer; and
- (d) a comprehensive motivation setting out reasons why compliance with the requirements set out cannot be met.

13. A sign on a combination sign may refer to the name or logo of a business, company or person providing a service only, and may indicate the type of service provided.

14. Only a locality-bound sign may be displayed.

15. A sign in this class may only be displayed at a service facility adjacent to and directly accessible from the public road at which such sign is directed.

16. A supplementary sign displayed at a roadside service area and which does not form part of a combination sign permitted under this class may be used for internal direction and orientation only, and may not be aimed at passing motorists.

17. Facility signs must face oncoming traffic and must be focused exclusively on casual passing motorists, and thus they should not be primarily focused on regular customers.

18. Signs in this class can only be considered in road side service areas if properly motivated and sufficient space is not available on the adjacent site.

SCHEDULE 31
Tourism Signs (Class 4 (c))
(Section 7(1)(d)(iii))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. The display of a sign in all areas of control is subject to specific consent.
3. These signs may be displayed within road reserves unless the municipality prescribes otherwise.
4. The sizes and positioning of these signs are prescribed by the South African Road Traffic Signals Manual, as published in accordance with National Road Traffic legislation.
5. Signs in this class which had been erected by companies/institutions other than the municipality inside road reserves, must be replaced every 7 years at the cost of the advertiser, in terms of the requirements of the South African Road Traffic Act.
6. The display of ancillary tourism directional signage within municipally controlled areas is subject to specific consent and must comply with the provisions of Section 2.1 (F) of the Newcastle Outdoor Advertising policy.

SCHEDULE 32

**Functional advertising signs by public bodies (Class 4(d))
(Section 7(1)(d)(iv))**

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to deemed consent.
3. A sign may not exceed 0,55 m² in size.
4. A larger sign may be displayed, if justified by specific circumstances.
5. A sign permitted by this class may be displayed inside a road reserve, but may not be displayed on a freeway.
6. No limitations are imposed on the colour or texture of a sign.
7. Subject to the provisions of sections 18(1), 19(4) and 22, illumination may be provided if there is a need for information or directions to be read during hours of darkness.
8. A sign may not be used for the purposes of commercial and competitive advertising.
9. The logo of the service provider must be displayed on a sign.

**SCHEDULE 33
Aerial signs (Class 5(a))
(Section 7(1)(e)(i))**

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to specific consent.
3. Except with the written permission of the Commissioner of Civil Aviation, no –
 - (a) captive balloon;
 - (b) craft for parasailing;
 - (c) kite;
 - (d) hang-glider;
 - (e) model or radio-controlled aircraft; or
 - (f) aircraft towed behind a vehicle or vessel for the purpose of flight, may be flown at a height of more than 45 meters from the surface, the surface being measured from ground level, or from the surface on which a towing vehicle or vessel is travelling, to the top of the craft.

4. No shape or size restrictions are imposed.
5. Except with the written permission of the Commissioner of Civil Aviation, and on condition that such aircraft may not take off from or land on a public road, none of the objects specified in section 2(1) above may –
 - (a) be flown closer than five nautical miles from the aerodrome reference point of an aerodrome;
 - (b) be flown above a public road; and
 - (c) in the case of an aircraft, be towed behind a vehicle or vessel.
6. An advertisement on a captive balloon or on any other captive craft may not be displayed within the visual zone along a freeway.
7. No limitations are imposed on the colour or texture of a sign.
8. Illumination or animation of a sign is not allowed, with the exception of an illuminated airship when moored.
9. With the exception of a moored airship, a sign may be displayed in daylight hours only.
10. A sign may not be displayed for a period exceeding two consecutive weeks in a calendar year.
11. A captive balloon may not be flown without the written approval of the Commissioner of Civil Aviation, which approval will be considered by the Commissioner only after permission by the municipality has been granted.
12. No unmanned free balloon may be flown without the written permission of the Commissioner of Civil Aviation and the municipality.
13. A manned free balloon must meet the conditions laid down by the Commissioner of Civil Aviation before it may be flown within controlled airspace.
14. An airplane and airship may not be flown below the minimum height, as stipulated by aviation regulations, without permission by the Commissioner of Civil Aviation.

SCHEDULE 34
Vehicular advertising (Class 5(b))
(Section 7(1)(e)(ii))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to specific consent and must comply with the provisions of Section 2.1 (B) of the Newcastle Outdoor Advertising policy.

3. No vehicle may be used for the sole purpose of advertising.
4. No animation is allowed.
5. Illumination of advertisements is limited to the following instances:
 - (a) An internally illuminated sign which indicates that a taxi is for hire; and
 - (b) a retroflective sign with the colour red to the back, the colour yellow to the side, and the colour white to the front of a vehicle.

SCHEDULE 35
Trailer (Transit) Advertising (Class 5(c))
(Section 7(1)(e)(iii))

1. A trailer may be parked in an urban area of partial control and an urban area of minimum control only.
2. The parking of a trailer is subject to specific consent and must comply with the provisions of Section 2.1 (B) of the Newcastle Outdoor Advertising policy.
3. A trailer may not be towed on a freeway and may not be towed on any other urban road during peak-hour traffic, peak-hours being the hours between 07:00 and 08:15, and 16:15 and 17:30.
4. A trailer advertising sign containing an advertisement may only be displayed if it is mobile or displayed at specific designated location approved by Council;
5. Upon approval of an application for trailer advertising sign, a disc will be issued by Council which must be displayed at all times on a trailer itself;
6. if trailer advertising sign is used in contravention of subsection (4) and/ or (5) above or any other provision of these By-laws, an authorised official may, without prior notice, remove and impound such sign.

7. Any trailer advertising sign impounded in terms of subsection (5), must be kept by Council for period of 30 days from date of impoundment and authorised official must in writing notify owner of such sign of the impoundment if address of the owner can be ascertained.
8. An owner of trailer advertising sign impounded in terms of subsection (5) may claim such sign within the period specified subject to payment of a prescribed fee.
9. The Council may if an advertising sign is not claimed by its owner within period of 30 days referred to in subsection (6) destroyed or otherwise disposed the advertising sign concerned.
10. The Council may recover the prescribe fee from any owner who has not claimed his or her trailer advertising sign in terms of subsection (7)

SCHEDULE 36
(Section 5(1))
RURAL AND URBAN AREAS OF MAXIMUM CONTROL
(Section 5(2)(a) and (b))

1. LAND USE ZONING

A low density residential area, a medium density residential area, an agricultural area, a cemetery, and a public open space, such as, but not limited to, a natural open space, including a ridge, a natural watercourse, a nature reserve, an urban conservation zone, a park, a national monument, a heritage site, a gateway and an urban freeway are all classified as areas of maximum control.

2. KINDS OF SIGNS THAT MAY BE DISPLAYED

- (1) Only a sign conveying an essential message may be displayed.
- (2) A sign contemplated in section 7(1)(a), being a Class 1 sign (*Billboards and other high-impact free-standing signs*), and a sign contemplated in section 7(1)(c)(xii), being a Class 3(l) sign (*Signs on towers, bridges and pylons*), may be displayed on an urban freeway where the responsible Roads Agency

demonstrates that it has been satisfied that the effect on traffic safety is within acceptable norms, and an Environmental Impact Assessment must be furnished to the Municipality.

(3) A sign contemplated in section 7(1) (d), being a Class 4 sign (*Signs for tourists and travellers*), may be displayed.

(4) The following signs contemplated in section 7(1) (b), being Class 2 signs (*Posters and general signs*), may be displayed in residential suburbs:

- (a) Large posters and signs on street furniture, as contemplated in section 7(1) (b) (i);
- (b) temporary signs, as contemplated in section 7(1) (b) (iv); and
- (c) street name advertisement signs, as contemplated in section 7(1) (b) (v).

3. RESTRICTIONS ON DISPLAY OF ADVERTISING SIGNS

The display of all kinds of signs, other than those specifically mentioned in Item 2 above, is forbidden.

URBAN AREAS OF PARTIAL CONTROL (Section 5 (2) (c))

1. LAND USE ZONING

A medium density residential area in transition, a residential area where office and commercial encroachment is evident, a residential area with high-rise apartment blocks interspersed with shops and offices, a small commercial enclave in a suburban street, a suburban shopping centre and office park, a ribbon commercial development along a main street, an educational institution, a sports field stadium, and a commercialised square are all classified as urban areas of partial control.

2. KINDS OF SIGNS THAT MAY BE DISPLAYED

(1) A sign contemplated in section 7(1) (a) (iii), being a Class 1(c) sign (*Large billboards*), may be displayed, however, the size may not exceed 40m².

(2) A sign contemplated in section 7(1) (a) (iv), being a Class 1(d) sign (*Small billboards and tower structures*), may be displayed.

(3) A sign contemplated in section 7(1) (b), being a Class 2 sign (*Posters and general signs*), may be displayed.

(4) A sign contemplated in section 7(1) (c), being a Class 3 sign (*Signs on buildings, structures and premises*), may be displayed.

(5) A sign contemplated in section 7(1) (d), being a Class 4 sign (*Signs for tourists and travellers*), may be displayed.

(6) A sign contemplated in section 7(1) (e), being a Class 5 sign (*Mobile signs*), may be displayed.

3. RESTRICTIONS ON DISPLAY OF ADVERTISING SIGNS

- (1) A sign contemplated in section 7(1)(a)(i), being a Class 1 sign (*Super billboards*), and a sign contemplated in section 7(a)(ii), being a Class 1(b) sign (*Custom-made billboards*) may not be displayed.
- (2) The restrictions on the display of a sign at a street corner as set out in Schedule 37 apply.

URBAN AREAS OF MINIMUM CONTROL (Section 5 (2) (d))

1. LAND USE ZONING

A business, industrial, commercial, amusement and transport area such as, but not limited to, a commercial district, a central shopping centre, a central office precinct, an entertainment district and complex, an industrial area, and industrial park, and a prominent public transport node such as a railway station, a large bus station, a taxi rank, and an airport are areas classified as urban areas of minimum control.

2. KINDS OF SIGNS THAT MAY BE DISPLAYED

A sign contemplated in section 7(1)(a) (*Billboards and other high-impact free-standing signs*), a sign contemplated in section 7(1)(b) (*Posters and general signs*), a sign contemplated in section 7(1)(c) (*Signs on buildings, structures and premises*), a sign contemplated in section 7(1)(d) (*Signs for tourists and travellers*) and a sign contemplated in section 7(1)(e) (*Mobile signs*) may be displayed.

3. RESTRICTIONS ON DISPLAY OF ADVERTISING SIGNS

- (1) A sign may not be displayed at a node of exceptional historical and architectural value.
- (2) The restrictions on the display of a sign at a street corner as set out in Schedule 37 apply.

AREAS OF MAXIMUM CONTROL IN WHICH ADVERTISING IS PROHIBITED. (Section 5 (2) (e))

No sign contemplated in section 7 be displayed in an area stipulated in Schedule 38.

SCHEDULE 37 (Section 7)

FIGURES ILLUSTRATING RESTRICTIONS ON ADVERTISING OPPORTUNITIES INSIDE AND ADJACENT TO ROAD RESERVES AT TRAFFIC INTERSECTIONS

Figure 1: Advertising Restrictions on Urban Freeways

Restrictions may be reduced by the relevant roads authorities under whose jurisdiction the specific roads may resolve

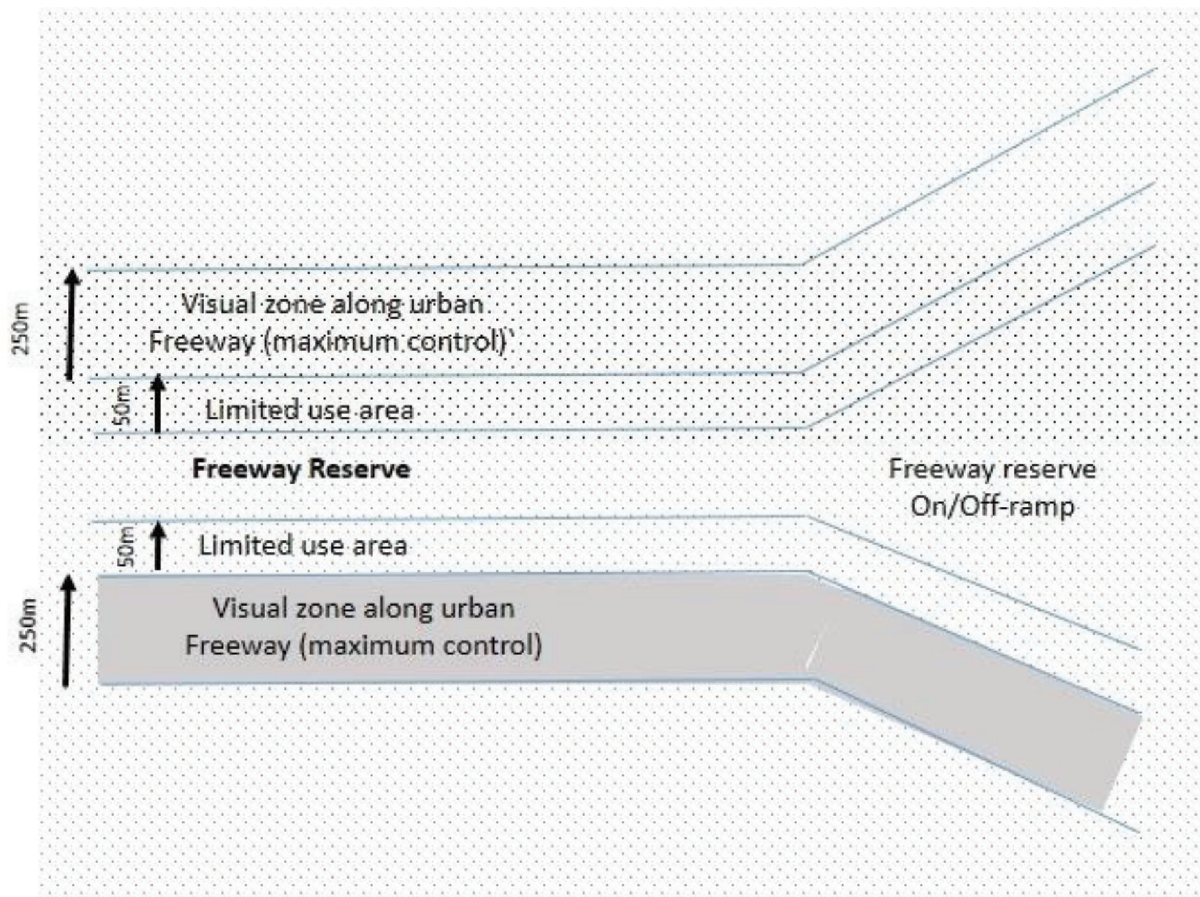


Figure 2: Restriction on signs at street corners, (street name signs exempted)

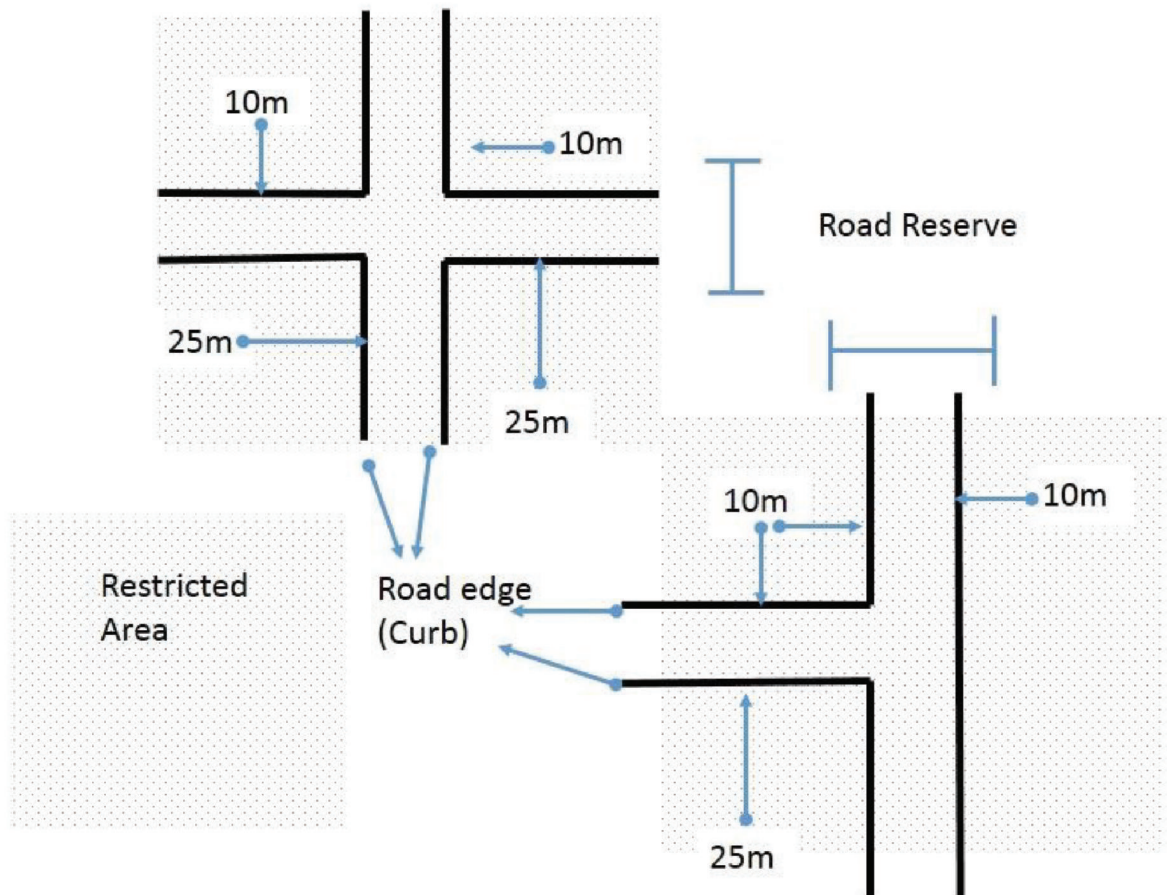
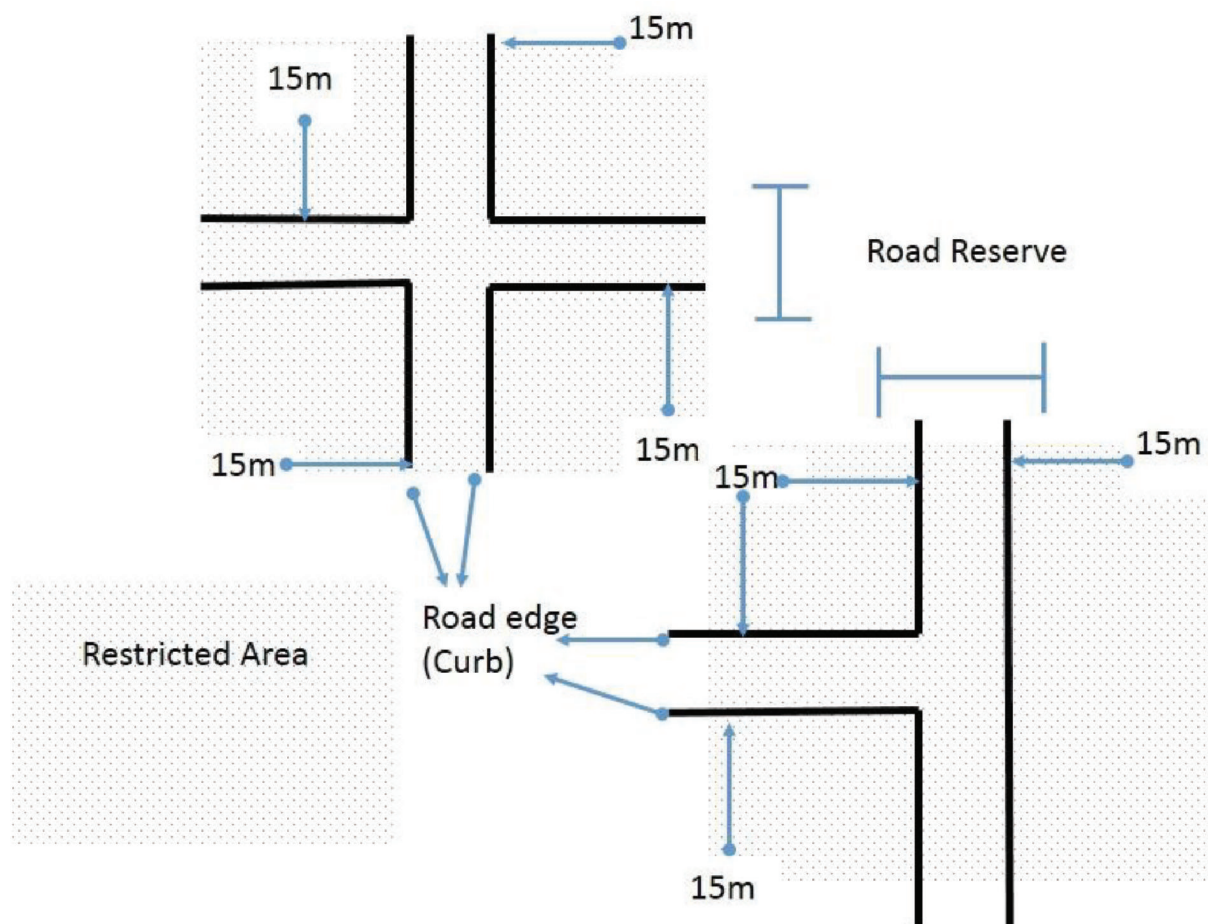


Figure 3: Additional restriction on illuminated signs at signalized street corners



Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065