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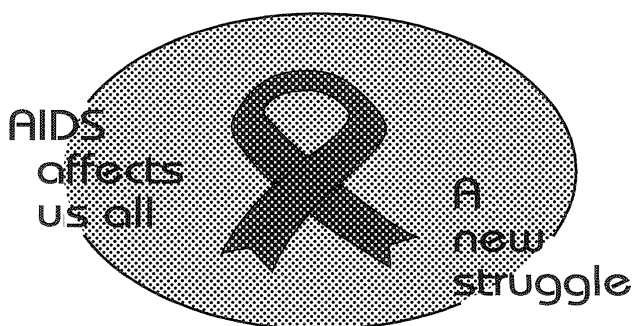
**BUITENGEWONE
PROVINSIALE KOERANT**

Vol. 255

4 DECEMBER 2012
DESEMBER

No. 7059

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 344

LOCAL MUNICIPALITY

OF

MADIBENG



MADIBENG BY-LAW NO. 4/2012

OUTDOOR ADVERTISING BY-LAW

This By-law was adopted by the Local Municipality of Madibeng on 15 December 2010 by Resolution No ADM.0171, in terms of Section 12(2) of the Local Government: Municipal systems Act, 2000 (Act No 32 of 2000), as amended and will take effect upon date of publication in the Provincial Gazette of North West Province.

LOCAL MUNICIPALITY OF MADIBENG

OUTDOOR ADVERTISING BY-LAW (NO 4 OF 2012)

To regulate and control the matters incidental to Outdoor Advertising in the area of jurisdiction of the municipality

Be it enacted by the Municipal Council of Madibeng in terms of Section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act no 32 of 2000) and published by the Municipal Manager in terms of Section 13(a) of the aforesaid Act, as set out hereunder:

OUTDOOR ADVERTISING BY-LAW

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1. DEFINITIONS

In this by-law, unless the context otherwise indicates:

“advertisement” means any advertising sign or device of any kind which is visible from any street or public place;

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

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

“advertising hoarding” means any screen, fence, wall or other structure in a fixed position to be used, or intended to be used, for the purpose of posting, displaying or exhibiting any advertisement and includes a signboard, a billboard structure, or a gantry structure;

“animated sign” or “animation” means any sign on which the representation is changed intermittently or alteration of the representation or its illumination;

“approved” means approved by the Local Municipality of Madibeng and “Approval” has a corresponding meaning;

“area of advertisement” means the total area of that which constitutes the advertisement;

“area of control” refers to the degree of advertising control to be applied in a specific area, i.e. maximum, partial or minimum control as determined by the Municipality from time to time;

“area of maximum control” means an area which is deemed sensitive to visual disturbance and include, but is not limited to natural open spaces, conservation areas, interface of natural landscapes also within built-up areas, all residential areas, bodies of water and rivers, ridges, open recreational areas, architectural and historical sites, characteristic vistas, heritage sites, countryside areas, special tourist areas and skylines;

“area of minimum control” include, but is not limited to areas seen as centres, areas and nodes of concentrated economic activity where the dominant concern and motivation is to conduct business and to sell products and services, such as areas of concentrated economic activity, commercial districts, shopping centers, arcades, office precincts, commercial enclaves, industrial and mining areas, entertainment districts, and prominent transport nodes such as formal taxi ranks;

“area of partial control” means areas that can be characterized by a greater degree of integration and complexity of land use, which includes but is not limited to a 50m strip between an area of minimum control and an area of maximum control, which will be measured from the edge of the area of maximum control into the area of minimum control, commercial enclaves/activity and shops in residential areas, office parks, ribbon development, educational institutions such as schools and technicons, institutional premises, sports fields or stadiums, commercialized squares, government enclaves, smallholdings of an urban nature;

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

“banner” means a piece of cloth or any other similar material upon which an advertisement is displayed in such a manner as to be fully legible in windless conditions, attached to one or more ropes, poles or flagstaff projecting vertically, horizontally or at an angle, or attached to buildings or to specific structures, for a temporary period, but excludes banners carried as part of a procession;

“billboard” means any screen or board larger than 4.5m², supported by any structure, gantry, or hoarding, which is to be used or intended to be used for the purpose of posting, displaying or exhibiting a third-party advertisement and can be classified as a small or large billboard. This can be attached to a structure manufactured specifically for advertising, or to a structure of any other form, used to attach the advertisement to, which can also include towers, bridges and pylons;

“bits of information” refers to the basic unit for measuring the length of advertising messages and may consist of letters, digits, symbols, logos, abbreviations or graphics of any nature;

“centre of intersection” means the point of contact between the centre lines of two roads;

“canopy” means a structure in the nature of a roof projecting from the facade of a building and cantilevered from that building or anchored otherwise than by columns or posts;

“charges determined by the Local Municipality of Madibeng” means the appropriate charges applicable to this by-law which are reviewed and determined annually by the Local Municipality of Madibeng in its Tariff Structure in terms of Section 75A, Local Government: Municipal Systems Act, No 32 of 2000 (MSA);

“clear height” means the minimum vertical distance from the physical or natural ground level to the bottom of the advertisement and / or to the advertising sign, whichever is the smallest;

“commercial advertising / third party advertising” means any advertising related to the name of a business, a trade, a product, a partnership or an individual or any information, recommendation or exhortation in respect of any particular goods manufactured or sold or any particular services rendered or offered, displayed by an advertiser not being in physical occupation of the property on which the advertisement/ advertising sign is to be erected or to which the sign is to be affixed;

“Council” means

- (a) a municipal council as referred to in Section 157 of the RSA Constitution, and established by virtue of Section 12 of the Local Government: Municipal Structure Act, No 117 of 1998 in terms of Provincial Notice No 317 of 29 September 2000, as amended and includes any official employed by the Local Municipality of Madibeng, exercising a delegated power or carrying out an instruction where such power has been delegated or sub-delegated as contemplated in Section 59 MSA
- (b) a service provider appointed by the Council to fulfill the provisions of this By-law as assigned to it in terms of Section 81 MSA.

“Council land” or “Municipal land” means any portion of land including road, street, thoroughfare, bridge, subway, footpath, sidewalk, land, square, open space, garden, park or enclosed place, erf, site etc. vested in the Municipality;

“DACE” means the Department of Agriculture, Conservation and Environment of the North West Provincial Government;

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

“election” means either the National Government, Provincial Government or Municipal elections and by-elections inclusive of the registration process and referendums held from time to time;

“erf” means any piece of land registered in a deeds registry, as an erf, lot, plot, stand, agricultural holding or farm portion;

“flag” means a piece of material upon which an advertisement is displayed and which is attached to a single rope, pole or flagstaff projecting vertically, horizontally or at an angle from a building or property;

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

“gantry” means a structure which spans over the entire width of the road surface;

“height of an advertising sign” means the maximum vertical distance from the ground, or where the foundation of the sign starts or is visible above natural ground level, as the case may be, to the top of the advertisement and / or the advertising sign, whichever is the highest;

“illuminated sign” means a sign, the continuous or intermittent functioning of which depends upon it being illuminated;

“illegal sign” means any sign or poster, painted, affixed, displayed, exhibited, posted or erected without approval by the municipality;

“large billboard” means any billboard larger than 18m² up to and including 36m² in area of advertisement;

“moveable temporary sign” means a sign not permanently fixed and not intended to remain fixed in one position, but does not include any moving part in a fixed permanent sign;

“municipality” means the Local Municipality of Madibeng (also see Council);

“natural area” means an area of the rural or non-urban environment which is in an unspoilt natural state or is of high scenic value, and includes, but is not limited to, the countryside area, game farms / reserves, nature reserves, open field area, agricultural areas, tourist or scenic areas;

“on-premises business sign” means an advertisement aimed at identifying and locating business enterprises and industries, and only advertises the business operated on the site;

“owner of the advertisement” means the person who owns the advertisement itself, which is displayed on the advertising sign, or any person who has a right to or shares in the ownership of the advertisement;

“owner of the advertising structure or advertising sign” means the person who owns the advertising structure, or will own the structure once it has been erected, or any person who has a right to or share in the ownership of the advertising structure;

“owner of the land” means the person who owns the land or property on which the advertising sign is, or will be erected, or any person who has a right to or share in the ownership of the land;

“poster” means an advertisement or placard displayed on an electrical street light pole standard inside the road reserve, which can be of a commercial nature or announcing or attracting public attention to any meeting, event, function, activity or undertaking or to the candidature of any person nominated for election to parliament, the local government or similar body or to a referendum;

“prohibited sign” means a sign, which does not conform to advertising by-laws and policy documentation and can thus not be approved and this includes indecent, immoral or pornographic configurations;

“public place” means any road, street, thoroughfare, bridge, subway, foot pavement, footpath, sidewalk, lane square, open space, garden, park or enclosed space vested in the Local Municipality of Madibeng;

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

“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 a sign, whether stationary or actuated, attached to and protruding from the façade of a building;

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

“road” means a public road which includes the shoulder, the land of which the road consists or over which the road extends, and anything on that land forming part of, connected with, or belonging to the road, which the public has the right to use and shown on the general plan of a township, agricultural holding or any other division of land in respect of which the public have acquired a prescriptive or other right of way and which vests in the municipality.

“road reserve” means the full width of a public road, including roadways, shoulders, sidewalks, the air space above it and all other areas from boundary to boundary;

“road traffic sign” means any road traffic sign as defined in section 1 of the Road Traffic Act, 1989 (Act 29 of 1989) and Road Traffic Act 1996 (Act 93/96);

“rotating sign” means a sign which rotates on any axis;

“rural area” refers to areas of transition between developed urban areas and relatively unspoiled natural areas and includes farms, rural small holdings, unproclaimed township areas, villages and areas outside the formal urban edge;

“service facility advertisement” means an advertisement at a filling station or roadside rest and service area referring to the types of services provided at such facility.

“sign” means any advertisement and any object, structure or device which is in itself an advertisement in, or in view of any street, or which is used to display an advertisement, but does not include an advertising hoarding or a poster, or any motor vehicle, or animal-drawn vehicle with an advertisement thereon;

“sky sign” means any sign erected or placed on or above any roof, parapet wall or the eaves of a building, but does not include a rotating sign referred to in section 15 of this by-law, or a sign painted on the roof of a building;

“small billboard” means a billboard smaller or equal to 18m² in area of advertisement.

“storey” means that space within a building which is situated between one floor level and the next floor level above it or if there are no clearly defined storeys, the height of a storey shall be taken as 4,5m;

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

“trailer advertising” means a sign mounted on a trailer, bicycle or vehicle, with the sole purpose of advertising.

“urban area” means any formalized township and built-up area, but excludes land in that area which is commonage land, or which is used or destined to be used mainly for farming or horticulture or the keeping of animals, or which consists of any other open space which has not been developed or reserved for public purposes;

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

2. APPLICATION FOR APPROVAL OF SIGNS AND ADVERTISING HOARDINGS

2.1 No person shall display or erect any sign or advertising hoarding or billboard, or use any structure or device as a sign or advertising hoarding without prior written approval from the Local Municipality of Madibeng; provided that this section shall not apply to a sign contemplated in sections 4, 19, 22 and 24 of this by-law.

2.2 No sign displayed with the approval of the Local Municipality of Madibeng shall in any way be altered, moved or re-erected, nor shall any alteration be made to the electric wiring system of such sign except for the purpose of renovation or maintenance, without the further approval of the Council in terms of section 2(1) first being obtained.

2.3 An application in terms of section 2(1) shall be signed by the owner of the proposed sign or advertising hoarding and by the owner of the land or building on which the sign or advertising hoarding is to be erected or displayed, or on behalf of the owner of the land or building by his agent authorized in writing by such owner and shall be accompanied by:-

2.4

- (a) The application form (see **Annexure "A"**);
- (b) The relevant application fee, and proof of payment;
- (c) An overall locality plan and specific block plan of the site in or on which the sign or advertising hoarding is to be erected or displayed, drawn to a scale of not less than 1:500, showing every building on the site and the dimensioned position of the sign or advertising hoarding in relation to the boundaries of the site and the location of the streets abutting the site;
- (d) Structural engineer's drawings (if required by Council), drawn to a scale of not less than 1:20, showing the dimensions, material, construction and method of display, erection or placing of the sign or advertising hoarding;
- (e) Elevations to a scale of not less than 1:100 showing the position of the proposed sign or advertising hoarding and its relationship to any architectural and natural features, as well as to any existing signs or advertising hoardings and/or a photograph of not less than 200mm x 250mm with the proposed sign or advertising hoarding superimposed thereon to scale;
- (f) Proof of the registered owner of the property;
- (g) Proof of the zoning or land-use rights of the property;
- (h) The Municipality may require the submission of an engineers certificate signed by an Engineer registered in terms of the Engineering Profession Act (Act No 114 of 1990), to take responsibility for the structure as a whole;
- (i) The Municipality may require the submission of an electrical wiring certificate signed by a licensed electrical engineer if relevant to the application;
- (j) The Municipality shall register every sign or advertising hoarding approved by it and allocate to it a registration number which shall be displayed on the sign in a suitable, clearly visible position by the owner thereof and if necessary in the opinion of the Municipality, in another place and in a manner to the satisfaction of the Municipality;

- (k) All relevant documentation regarding the application and approval of a sign or advertising hoarding shall be retained by the owner of the property on which such sign or advertising hoarding is displayed and shall present such documentation to the Municipality upon request thereof;
- (l) Every owner of land including a building on land on which a sign was erected before the coming into operation of this by-law shall firstly apply to the Municipality for the sign being erected, and if approved, then register such a sign with the Municipality and obtain a registration number as contemplated in sub-section 2(4)f; provided that such registration number need not be displayed by the owner on the sign itself but may be displayed at a place and in a manner to the satisfaction of the Municipality.

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

3.1 The Municipality may at any time refuse, withdraw or amend an application or approval if in the opinion of the Municipality:-

- (a) it will be or becomes detrimental to the environment or the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or material or for any other reason;
- (b) it will constitute or becomes a danger to any persons or property;
- (c) it will obliterate or obliterates other signs, natural features, architectural features or visual lines of the town or places, sites or structures of historical interest;
- (d) it contains wording or gestures which is obscene or could be regarded as discriminatory against certain persons or class of person.

3.2 Appeal procedure:-

- (a) Any person may appeal to the Municipality against any decision of the Municipality in terms of this by-law, given by an official of the Municipality under delegated powers, within 30 days of receipt of notice of such decision;
- (b) Such appeal shall be made by lodging a notice setting out the nature and grounds of the appeal within the period contemplated in section 3(2)(a) with the Municipal Manager of the Local Municipality of Madibeng;
- (c) A committee appointed by the Council shall hear the appeal including any oral or written submission from either party, and

inform the applicant of its decision, and the reasons therefore, which decision shall be final.

4. EXEMPTED SIGNS

4.1 The following signs shall be exempted from the provisions of section 2 but shall comply with all other provisions of this by-law save for signs contemplated in (a) and (b), which need not comply:-

- (a) Any sign displayed in an arcade;
- (b) Any sign displayed inside a building;
- (c) Any sign displayed inside a sports stadium which is not visible from outside the stadium;
- (d) Any advertisement displayed on an approved advertising hoarding;
- (e) Any temporary sign advertising a current event in a cinema, theater or other place of public entertainment, displayed in a fixture on a building especially made for such display;
- (f) Any temporary sign not exceeding the sizes specified in Table 1 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 or alteration, as the case may be: Provided that only one such sign, or set of signs shall be permitted per street frontage of a site 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:

TABLE 1:

- | |
|---|
| <ul style="list-style-type: none"> ❖ Project boards giving the names of Architects, Consultants and Contractors: 3m wide x 3m high and with a maximum erected height of 6m. ❖ Individual Contractor's Board: 1.5m wide x 1.0m high. |
|---|

- (g) Any sign, other than a sign provided for in subsection 4(1)(e), not exceeding 3m in width x 2m high, which portrays or describes the type of development being carried out on a site and which gives details of the type of accommodation being provided, floor space available, the name, address, telephone number or the developer or his agent, erected during construction work or the carrying out of alterations or additions as the case may be and remaining for a period not exceeding three months after the completion of such work;
- (h) A sign on a street frontage of a building occupied by shops, showrooms or other business uses as defined in the relevant Town Planning Scheme, other than a sign in an office park area, which is below the level of the ground floor ceiling and which is displayed on or fixed to the face of a building or suspended from the soffit of a canopy or verandah roof;
- (i) A sign consisting of a 600mm x 400mm metal plate or board permitted in terms of sections 16 and 17;
- (j) Any flag hoisted on a suitable flag pole which displays only a company name and motif;
- (k) Any national flag hoisted on a suitable flag pole as long as nothing is added to the design of the flag and no advertising material is added to the flag pole;
- (l) A sign which is displayed by the municipality;
- (m) Any banner or flag carried through the streets as part of a procession;
- (n) Handheld leaflets physically distributed from a private parking area or from private land;
- (o) One sign not exceeding 300mm long and 210mm high 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 or block of the Neighbourhood Watch System;
- (p) A sign not exceeding 600mm x 400mm, indicating the existence of a Block or Neighbourhood Watch System, displayed on a boundary wall or fence or in a position where the position is to be approved by the Council;
- (q) Any sign which does not comply with the provisions of these by-laws and which was lawfully displayed on the day immediately preceding the date of commencement of these by-laws if the sign in the opinion of the Council is properly maintained and is not altered, moved or re-erected as contemplated in section 2(2).

5. PROHIBITED SIGNS

- 5.1 No person shall erect or display any of the following signs or cause or allow any such sign to be erected or displayed:
- (a) Any sign to be painted on the roof of a building or painted on, attached to, or fixed between the columns or posts of a verandah;
 - (b) Any sign to be suspended across a street, except at locations as determined and approved by the Municipality;
 - (c) Any sign which will obscure a road traffic sign or which may be mistaken for or cause confusion with or interfere with the functioning of a road traffic sign;
 - (d) Any sign which will obstruct any window or opening provided for the ventilation of a building or which obstructs any stairway or doorway or other means of exit from a building or which will prevent the movement of persons from one part of a roof to another part thereof;
 - (e) Any animated or flashing sign, the frequency of the animations or flashes or other intermittent alterations of which disturbs the residents or occupants of any building or is a source of nuisance to the public;
 - (f) Any illuminated sign the illumination of which disturbs the residents or occupants of any building;
 - (g) Any swinging sign, which is a sign not rigidly and permanently fixed;
 - (h) Any moveable or transit sign, whether stationary or not;
 - (i) Any sign referring to a price or change in price of merchandise except in a shop window, or on the article itself;
 - (j) Subject to the provisions of sections 19, 20 and 25(2), any sign displayed on land not in accordance with the relevant zoning or approved consent use as per applicable Town Planning Scheme;
 - (k) Any advertisement or sign other than an exempted sign, for which neither a permit nor approval has been obtained;
 - (l) Any poster pasted otherwise than on a hoarding legally erected for the purpose of accommodating such poster;
 - (m) Any sign painted on a boundary wall or fence.

- (n) Any sign that relates to a business which is conducted on an erf or land, where this erf or land has not been re-zoned for that specific purpose or business.
- (o) Any stationary trailer advertising sign parked at any location for the specific purpose of advertising.
- (p) Any advertisements that relates to cigarettes or other tobacco products.
- (q) Handheld leaflets distributed from a public road or from any public area.

6. TRANSITIONAL PROVISIONS

- 6.1 Every owner of land including a building on land on which a sign was erected, before the coming into operation of this By-Law, or any advertising sign that was erected or displayed on the date of commencement of this By-Law without formal approval, that is prohibited by this By-Law and is not an advertisement or advertising sign for which the municipality may grant approval, must remove such a sign or advertisement within 90 days from the date of commencement of this By-Law.
- 6.2 Where an advertisement or advertising sign has been erected or displayed on the date of commencement of this By-Law without formal approval, which in terms of this By-Law, may not be erected or displayed without the approval of the municipality, the owner of the advertisement or advertising sign must apply to the municipality, as the case may be, for such approval, within 90 days of such date of commencement, failing which the advertisement or advertising sign must be removed forthwith.
- 6.3 If approval for an advertisement or sign already erected and applied for, 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.

7. AREAS OF CONTROL

- 7.1 All areas under the jurisdiction of the municipality shall be classified under a specific area of control, three areas of control apply - areas of maximum control, areas of partial control, and areas of minimum control. If an area has not been designated, for whatever reason, it will be deemed to be an area of maximum control, until considered and otherwise classified by the municipality. These areas of control address the potential interaction between basic landscape sensitivity and sign

impact. It is generally recognized, that outdoor advertising can have a detrimental effect upon the urban environment in certain locations.

7.2 When an application is evaluated, the approved land use rights and town planning scheme applicable to that specific erf will be consulted for specific zoning details. The municipality may approve the erection of an advertising sign on municipal land if there is no major impact on surrounding areas, and if the surrounding land uses can accommodate that specific type of sign.

7.3 The following type of land uses shall be classified under the areas of control, as listed below:

(a) Maximum control

Natural areas

Game reserves

Nature reserves

Agriculture land / Farm land

Scenic corridors or landscapes

Rural or urban smallholdings

All residential areas, including urban residential area (in formal towns) and residential areas in un-proclaimed township area or villages

Conservation areas and natural features inside the urban edge

Historical features and tourist attractions and areas
Specifically proclaimed heritage areas and buildings
Cemeteries

(b) Partial control

Offices (street front of 100m or more)

Commercial centres in residential areas

Commercial ribbon development

Schools / Educational institutions (such as Universities, Technicons, Colleges, etc.)

Sports fields and stadia
Institutional/government buildings or areas

(c) Minimum control

Central commercial or business districts

Commercial centres and shopping centres

Industrial areas or industrial parks

Entertainment districts or complexes

Transport nodes (such as taxi and bus ranks, railway stations, etc.)

8. ADVERTISING HOARDING AND BILLBOARDS

- 8.1 The area of the advertising face exceeds 36m² unless otherwise approved.
- 8.2 The clear height of an advertising hoarding shall not be less than 2,4m to ground level, if not cladded with an approved material.
- 8.3 The following criteria on areas and roads where hoardings and billboards should be located, as well as the size and height that will apply, are as included in Table 1:

Table 1: Location, Size and Height

	<i>Large Billboards</i>	<i>Small Billboard</i>
<i>Area of control</i>	<i>Minimum / Partial</i>	<i>Minimum / Partial</i>
<i>Size</i>	<i>Larger than 18 m² up to 36m²</i>	<i>Up to and including 18m²</i>
<i>Speed (where Allowed)</i>	<i>Only on roads with speed limits up to 80 kph</i>	<i>Only on roads with speed limits up to 80 kph</i>
<i>Total Height</i>	<i>10.5m</i>	<i>10.5m</i>

- 8.4 No billboard shall exceed the allowable height as specified in Table 1 on a specific site or on the surrounding sites, as allowed for in the relevant town planning scheme or approved zoning for the site, whichever is the lesser, unless specifically approved by the Municipality.
- 8.5 The following minimum criteria on the position and spacing will apply for hoardings and billboards, as included in Table 2 below:

Table 2: Position & Spacing - Visible per direction of travel

Speed	To other hoardings and billboards	To specific road signs	To nearest edge of tar of crossroad, measured from sign, parallel along road where sign is located / Centre of Intersection / Point where lanes merge or diverge - whichever is the furthest distance
Less than 80	100m	50m	50m
More than 80	200m	100m	100m

- 8.6 An advertising sign consisting of a single board shall be displayed perpendicular (90°) to or at an angle of 30° to the direction of oncoming traffic. In the case of two signs joined together the advertisement shall be displayed with the axis of symmetry perpendicular to the direction of the oncoming traffic.
- 8.7 An EIA is required, to be compiled, submitted to and approved by DACE (Department of Agriculture, Conservation and Environment of the North West Provincial Government), for any third-party billboard sign larger than 8m² if internally illuminated, and for any other third party sign larger than 18m² and smaller than 36m², before that application can be submitted to Council.
- 8.8 Approval for display of hoardings and billboards shall not be granted for an indefinite period. Approval can be granted for a period of five (5) years. After this five (5) years have expired, a request for the extension of the approval period for a maximum of another five (5) years can be submitted to the Municipality, with the first right of refusal to the existing structure owner. The advertising structure shall be erected within six (6) months after the first approval. One further extension for the erection of the structure of six (6) months or more, in the discretion of the Municipality, can be granted in writing.
- 8.9 An approved structure shall display an advertisement or message within six (6) months after erection.
- 8.10 All hoardings and billboards are subject to the approval of the Municipality.

9. FREE STANDING SIGNS AT EDUCATIONAL FACILITIES

- 9.1 Free-standing signs at educational facilities and at institutions may indicate the name and nature of the facility or institution and the name of a sponsor.
- 9.2 Criteria as included in Section 8 above, applies.

- 9.3 A maximum total sign area of 36m² per direction of travel, per street frontage is allowed, if that specific street front is longer than 100m. If this advertising area is divided, it should be divided into signs of equal size, form and construction.
- 9.4 Signs shall only be displayed on property boundaries adjacent to public roads.
- 9.4 Signs shall not, in any way detrimentally affect the residential character and amenity of the neighbourhood or any other amenities of the area and/or the surroundings.
- 9.5 This class is subject to the approval of the Municipality.

10. SIGNS SUSPENDED UNDER VERANDAHS OR CANOPIES

- 10.1 Every sign which is suspended from a verandah or a canopy shall comply with the following requirements:
- (a) Unless the Municipality otherwise permits, having regard to the design of the verandah or canopy and its associated building and to the position of the building in relation to the street boundary of the erf, the sign shall be fixed with its faces at right angles to such boundary;
 - (b) No part of the sign shall project beyond the other edge of the verandah or canopy, from which it is suspended;
 - (c) No part of the sign shall be less than 2,4m above the surface of the sidewalk or ground level immediately below nor should the top of the sign be more than 1,0m below the canopy or verandah from which it is suspended nor shall any sign exceed 1 000mm in depth;
 - (d) Unless the Municipality in writing otherwise permits, the bottom edge of the sign when suspended shall be horizontal and the supports by means of which the sign is suspended, shall be an integral part of the design of the sign;
 - (e) No sign shall be located in the vicinity of a pavement hatchway giving access to a basement chamber containing equipment of a high voltage service connection without the prior written permission of the Manager, Department Water and Electricity.

11. SIGNS ON VERANDAHS AND CANOPIES

11.1 Any sign on the face of a verandah or canopy shall be subject to the following requirements:

- (a) No sign shall:-
 - (i) protrude above or below any part of the face, fascia or parapet of a verandah or canopy;
 - (ii) exceed 600mm in height; or
 - (iii) protrude horizontally by more than 230mm or such lesser distance as the Municipality may specify, from such face, fascia or parapet.
- (b) Individual letters, either flat or three dimensional shall not exceed two thirds of the height of the canopy edge and all canopies carrying signs shall be painted for their full length or such lesser extent as required by the Municipality, with a background colour also to the satisfaction of the Municipality;
- (c) If the canopy edge, face, fascia or parapet is in excess of 100mm in height and is in accordance with an approved building plan it shall be regarded as part of the face of the building to which it relates and the provisions of section 9 shall apply; and
- (d) No illuminated sign or sign designed to reflect light, shall be attached to or displayed on any solayed or rounded corner of a verandah or canopy at a street intersection, unless the bottom of such sign is a minimum of 6m above the street immediately below.

11.2 No sign shall be erected on the top of a verandah or canopy except a sign or series of signs of uniform height, not exceeding 600mm in height, which shall be:-

- (a) set parallel to and flush with the front of edge of such verandah or canopy;
- (b) fixed to the verandah or canopy so as to be self supporting without the aid of guy ropes, stays or other similar devices; and
- (c) mounted not more than 100mm above the top of the verandah or canopy.

12. SIGNS FLAT ON BUILDINGS

- 12.1 The total area of any sign placed flat on the front wall of a building facing a street shall not exceed 20 square meters for every 15m of building frontage to the street which such sign faces with a maximum area of 200m².
- 12.2 The maximum projection of a sign referred to in section 12.1 over the footway or ground level shall be 75mm where such sign is less than 4,2m above the sidewalk or ground level immediately below such sign and 230mm where such sign is more than 2,4m above such footway or ground level.
- 12.3 Signs placed flat on a wall of a building which is not a wall contemplated in sub-section (1) and (2), the Municipality may where it considers it desirable in the interests of the aesthetic appearance of the building on which the sign is placed or of the neighbourhood of such building, permit or require the dimensions of any such sign to be greater than those prescribed.
- 12.4 This class will only be allowed in areas of partial or minimum control.

13. PROJECTING SIGNS

- 13.1 For the purposes of subsections (2), (3), (4), (6) and (7) hereafter, the word "sign" shall include every means of support for a projecting sign.
- 13.2 Any means of support for a sign shall subject of any other relevant provision of this by-law, be concealed.
- 13.3 The vertical dimension of every sign, which shall be measured vertically between the highest point and the lower point of the sign, shall not be greater than 4m whether such sign is designed as a single unit or a series of units one above the other.
- 13.4 No part of a sign shall project more than 1,5m from the face of the wall or building to which it is attached, or more than one half of the width of the sidewalk immediately below such sign, whichever is the lesser dimension.
- 13.5 The width of any sign measured at right angles to the face to the wall or building from which it is designed to project shall not exceed 1,2m and where the sign projects more than 1,2m such sign shall be so fixed as to leave a continuous gap of uniform width between the face of the wall or building and the sign, of not less than 100mm, and not more than a quarter of the width of the sign so measured.
- 13.6 No part of a sign shall extend above the level or the top of any parapet wall from which it projects or above the level of the underside of the eaves or gutter of the building from which such sign projects.

- 13.7 These signs will be allowed in all areas of control.
- 13.8 The vertical distance between the level of the sidewalk immediately below a projecting sign and the lowest part of such sign with a vertical dimension mentioned in column 1 of the following table shall not be less than the vertical distance specified opposite such dimension in column 2 of that table:

1 Vertical dimension of sign	2 Minimum vertical distance between sidewalk and sign
Not exceeding 3m	2,4
Exceeding 3m but not exceeding 6m	3m
Exceeding 6m	4,8m

14. PYLON SIGN

- 14.1 For the purposes of this section the word "pylon" includes any pylon, mast, tower or similar structure to which a sign is attached, by which a sign is supported, on which a sign is displayed or which is constructed as a sign.
- 14.2 Every pylon shall be independently supported and for that purpose be properly secured to an adequate foundation in the ground and be entirely self-supporting without the aid of guy ropes, stays, brackets or other restraining devices.
- 14.3 The dimensions of a pylon without the pylon sign shall be such that the entire assembly, whether stationary or actuated, can be contained wholly, within a national, vertical, cylindrical figure having a diameter of 6m and a height of 12m.
- 14.4 No activated or protruding part of a pylon or of a pylon sign shall be less than 2,4m above the highest point of the existing ground level immediately below such pylon or sign or such other height as the Municipality may require.
- 14.5 No pylon shall carry signs in the aggregate exceeding an area of 72m².

15. SIGNS INDICATING THE DEVELOPMENT OF A TOWNSHIP

No sign referring to the laying out or development of any land as a township or to the disposal of any erven in a township, shall exceed 3m wide by 2m high and any approval granted in respect of such sign in terms of section 2, shall lapse after the expiry of one year after the date of such approval.

16. REQUIREMENTS FOR SKY SIGNS

- 16.1 Two or more sky signs placed one above the other, whether or not in the same vertical plane shall, for the purposes of this section, be deemed to be one sign.
- 16.2 Every sky sign shall be set against a screen complying with the requirements of section 17.
- 16.3 No part of a sky sign shall protrude beyond, above or below the edge of the screen required in terms of section 16.2.
- 16.4 If the number of storeys contained in that part of a building which is directly below a sky sign is as set out in column 1 of the following table, the maximum vertical dimension of such sign shall not exceed the dimension specified opposite such number of column 2 of that table.

1 Number of storeys below sign	2 Maximum vertical dimension
One or two storeys	1,5m
Three or four storeys	2,0m
Five or six storeys	3,0m
Seven or eight storeys	4,0m
Nine or more storeys	5,0m

17. SCREENS FOR SKY SIGNS

- 17.1 Every screen for a sky sign required in terms of section 16(2) shall comply with the following requirements:
- (a) (i) Subject to the provisions of subparagraph (a)(ii), every screen shall be so arranged and constructed as to form a continuous enclosure effectively concealing the frame and the structural components of the sky sign and the screen from view and, if the Municipality so requires, from adjacent or neighbouring properties;
- (ii) If in the opinion of the Municipality, the walls of any contiguous buildings are of such height and construction that they will effectively conceal and do not contain openings overlooking the frame and structural components referred to in subparagraph (a)(i), the Municipality may, subject to any condition it deems expedient, relax the requirement of that subparagraph requiring the provision of a continuous enclosure;

- (b) Unless the Municipality allows otherwise, no part of the screen shall protrude beyond the perimeter of the building on which it is constructed;
- (c) The gap between the bottom of the screen and that part of the building immediately below it shall not exceed 100mm;
- (d) The vertical dimension of every such screen shall not exceed one and one half times the vertical dimension of the sky as contemplated in section 16(4): Provided that if the screen also encloses a lift motor room, tank or other structure on the roof of the building, the vertical dimension of the screen may be increased to the same height as such room, tank or structure;
- (e) If the material of which the screen is made has an open mesh or grid formation, the openings in such mesh or grid shall be uniform, the aggregate area of the openings shall not exceed 25% of the area of the screen and no dimension of any such opening shall exceed 100mm: provided that the Council may allow the erection of a screen of louvre design if it will ensure the effective concealment as required in terms of section 17(1)(a)(1).

18. ROTATING SIGNS ON OR ABOVE THE ROOF OF A BUILDING

- 18.1 The supporting structure of any rotating sign shall be secured to the building and shall be self-supporting without the aid of guy ropes, stays or other similar devices.
- 18.2 This class will be allowed in areas of partial and minimum control.
- 18.3 If the number of storeys contained in that part of the building which is directly below a rotating sign is as specified in column 1 of the following table, the maximum dimension either vertical or horizontal, of the rotation part of the sign shall not exceed the dimension specified opposite such number in column 2 of that table, and the vertical distance between the surface of the roof of the building and the highest point reached by any part of the sign when rotating shall not exceed the distance so specified in column 3 of that table.

1 Number of storeys below sign	2 Dimension of rotating portion	3 Vertical distance between the roof and the highest point reached by the sign
One or two storeys	1,5m	2,5m
Three or four storeys	2m	4m
Five or six storeys	3m	5m
Seven or eight storeys	4m	6m
Nine or more storeys	5m	9m

19. SIGNS ON BUILDINGS USED FOR RESIDENTIAL PURPOSES OTHER THAN DWELLING-HOUSES

19.1 A sign containing the name only of any building used for residential purposes other than a dwelling-house, and a sign consisting of a 600mm x 400mm brass or other metal plate displaying the name of the company owning or managing such building, its logo and telephone number, may be displayed.

19.2 Any sign contemplated in section 19.1 shall:-

- (a) be fixed to or built into one or more walls of the building or a freestanding wall or boundary wall of the property;
- (b) not be internally illuminated; and
- (c) be limited to one of each of the signs referred to per street frontage of the property concerned.

19.3 A sign consisting of a 600mm x 400mm metal plate or board indicating the name and profession or occupation of the occupant may be affixed to the boundary wall or fence, or the entrance door of a dwelling unit, or to a wall in the entrance hall of a building used for residential purposes.

20. SIGNS ON BUILDINGS USED FOR RESIDENTIAL AND BUSINESS PURPOSES

In the case of a building used for residential and business purposes, a sign may be displayed on that part of the building which is used for business purposes unless in conflict with section 3(1). The sign may not exceed 800mm x 600mm.

21. SIGNS ON AWNINGS

A sign containing only the name of an hotel, shop or restaurant may be displayed on an awning of approved material.

22. ADVERTISEMENT ON BANNERS OR SIMILAR ITEMS

22.1 Subject to the provisions of section 4 and section 25.2, no advertisement shall be displayed on any banner, streamer, flag, paper mache, plastic sheet or other similar pliable material or on calico or other woven material, without the written permission of the Municipality, subject to such conditions as the Municipality may deem expedient.

22.2 Permission in terms of section 22.1 shall only be granted for an advertisement relating to a function or event conducted for religious, educational, social welfare, animal welfare, sporting, civic or cultural purposes or to a function or event relating to a municipal or parliamentary election or referendum.

- 22.3 The Municipality may, without notice, remove any advertisement contemplated in section 22.1 which is displayed in contravention of this section.
- 22.4 This class will be allowed in areas of maximum, partial and minimum control.
- 22.5 Every person to whom permission has been granted in terms of section 22.1 shall ensure that the following requirements are complied with:
- (a) Not more than five advertisements shall be displayed in respect of every one function or event;
 - (b) Every advertisement shall be attached to or suspended between poles or other supports on the site on which the function or event is to be held or on such other site as the Municipality may allow;
 - (c) Every advertisement shall be so attached so as not to interfere with, or constitute a danger to passing vehicular or pedestrian traffic; and
 - (d) No advertisement shall be displayed for more than two weeks before the date of the function or event advertised nor shall any such advertisement be permitted to remain in position for more than three days after the conclusion of such function or event.

23 ADVERTISEMENT ON BALLOONS

- 23.1 The Municipality may, for the purpose of considering an application for approval in terms of section 2 of a sign to be displayed on a tethered balloon, have regard to:
- (a) The period for which the balloon will be used;
 - (b) The size of the balloon;
 - (c) The type of gas with which the balloon is to be filled;
 - (d) The strength of the anchorage and of the anchoring cable;
 - (e) The provision of a device by means of which the balloon will automatically so deflate as to sink slowly to the ground in the event of the failure or severance of the anchorage or anchoring cable;
 - (f) The possibility of interference with traffic;
 - (g) These signs will only be allowed in all areas of partial or minimum control;

- (h) Any requirement or condition prescribed by the Department of Civil Aviation, including the maximum permissible height to which the balloon must be restricted, and written permission with regard to subsections (a), (b), (c), (d) and (e) of section 23.1.

24. PAINTED ADVERTISEMENTS

- 24.1 Subject to the provisions of section 24.3, no sign shall be painted directly on to any building, canopy, column, post or structure, other than on the external or internal surface of a window.
- 24.2 This class will only be allowed in areas of partial or minimum control.
- 24.3 Subject to the approval of the Municipality in terms of Section 2, the name of any person or company carrying on business in a building may be painted directly on any approved wall of such building.

25. OCCASIONAL SIGNS

- 25.1 Signs relating to the letting or selling of property, complying with the following requirements, may not be displayed without the approval of the Municipality:
 - (a) Any sign not exceeding 760mm x 450mm in size containing the words "For Sale" or "To Let" in respect of any dwelling-house, residential building, or which in addition displays only the name, address and telephone number of the selling or letting agent, and which is placed on or fixed to the building concerned, is attached to a boundary fence of the erf on which the building is situated or is otherwise displayed within the boundaries of such erf;
 - (b) Any sign not exceeding 760mm x 450mm in size, containing only the word "Sold" in respect of any dwelling-house, or residential building, and which:
 - (i) is displayed only after all signs referred to in paragraph (a) have been removed; and
 - (ii) is placed on or fixed to the building concerned, or is attached to a boundary wall or fence of the erf on which the building is situated or is otherwise displayed within the boundaries of such erf.
 - (c) any sign not exceeding 1,2m in height x 1,8m in width fixed flat on the facade of a non-residential building which contains only the words "For Sale" or "To Let" and the name, address and telephone number of the selling or letting agent, or only the word "Sold";

- (d) any sign not exceeding 760mm x 450mm in size, displayed on a vacant erf and which displays only the words "For Sale" or "To Let" and the name, address and telephone number of the owner or his agent or only the word "Sold".

25.2 Any sign, or banner not more than 3m above the ground, containing letters, figures, advertising emblems or devices, not exceeding 1,5m in height, relating solely to an entertainment, meeting, auction or a sale to be held upon or in relation to a certain site, may be displayed upon such site: Provided that such sign or banner shall not be displayed for more than two weeks before the date of the function or event nor remain in position for more than three days after the conclusion of the function or event.

25.3 This class will be allowed in all areas of control.

26. SIGNS ON OR OVER STREETS

Every person owning, displaying or causing to be displayed a sign which, or any part of which, overhangs, or is placed on any street shall, on being instructed by notice in writing by the Municipality to do so, remove it within 24 hours from the time or such longer period specified in such notice without any compensation being paid by Municipality.

27. POSTERS

27.1 This class consists of three types of posters namely:

- (a) **Event and Parliament Posters:** Posters erected to advertise public and charitable events, functions, occasions, meetings or campaigns of a religious, educational, cultural, political, social, sporting or recreational nature. This category includes posters erected to advertise an auction as well as public awareness and community based campaigns and notices of a public meeting. It also includes posters for parliamentary or municipal elections, by-elections, referenda and registration processes.
- (b) **Commercial Posters:** Posters erected in this category may be used for commercial advertising / third party advertising on structures for which specific provision has been made for by the Local Municipality of Madibeng.
- (c) **Newspaper Posters:** Posters displayed in this category shall display selected news headlines of a specific edition of a newspaper.

27.2 The size and height of signs allowed in this class are as follows:

- (a) Event and parliament poster: 0.9m x 0.6m, of which the advertisement space should not exceed 0.54 m² (A1 size) – double sided allowed.
- (b) Commercial Poster: 1.4m x 1.2m, of which the advertisement space should not exceed 1.08m² (A0 size) – double sided allowed.
- (c) Newspaper poster: 0.7m x 0.45m, of which the advertisement space should not exceed 0.32m² (A2 size) – double sided allowed.

The minimum clear height for all posters is 2,4m, and should be affixed at least 2m below the light fixtures at the top of the post.

- 27.3 Standardized pole mounted posters shall be allowed only where they will not have a negative visual impact on the streetscape and the character of an area.
- 27.4 Signs may not have any text smaller than 50mm in height.
- 27.5 No person shall display any poster or cause or allow it to be displayed, unless he has first obtained the written permission of the Municipality or authorized body. No person shall erect or display any poster concerning any commercial undertaking or activity or concerning any activity which, in the opinion of the Municipality, is primarily or mainly of a commercial character, except in the receptacles or frames as provided and if approved by the Municipality, or through the contractor or company appointed by the Local Municipality of Madibeng to erect these receptacles.
- 27.6
 - (a) Every application for permission required in terms of section 27.1, shall be accompanied by a predetermined fee per poster and written details of the townships and streets in which the posters are to be displayed and all the posters to which the application relates: Provided that for Parliamentary or Municipal elections only one poster need to be submitted. This excludes posters and receptacles displayed and provided by a company or contractor appointed by the Municipality on a contract basis;
 - (b) Every poster for which permission is granted in terms of section 27(2) shall be stamped with the Municipality 's stamp or a sticker, and only posters so stamped shall be displayed;
 - (c) The Municipality shall be entitled to retain one such poster for identification purposes.

- 27.7 Posters shall only be displayed inside the fixed receptacles provided for such purpose and not tied, nailed or fixed in any other manner to power masts, walls, fencing, electricity boxes or substations, bridges, trees, electric light standards, telephone poles or any other structures or elements, including road traffic signs and signals.
- 27.8 Conditions applicable to Event and Parliament Posters:
- (a) Posters shall be fixed to electric light standards (posts) by means of a suitable cord and no metal clamps or wire shall be used.
 - (b) Posters shall not be used to advertise a commercial event or product or any third party advertisement.
 - (c) Posters shall be placed at least 50m from the centre of an intersection.
 - (d) A maximum of one poster per post or standard, except for parliamentary posters where a maximum of three posters per post or standard is allowed.
 - (e) The applicant will need to submit a street list indicating positions of posters erected within 3 days after approval is granted.
 - (f) No posters relating to a parliamentary or municipal election, referendum or registration process shall be displayed for longer than the period extending from the beginning of 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 such election or referendum.
 - (g) Not more than 100 posters shall be displayed within the Local Municipality of Madibeng area at any one time in relation to a meeting, function or event, other than Parliamentary or Municipal election or referendum or a meeting relating to an election or referendum.
 - (h) No poster relating to a meeting, function or event, other than a Parliamentary or Municipal election or referendum shall be displayed for longer than fourteen days before the date on which such meeting, function or event begins or longer than three days after the date on which it ends.
 - (i) No poster relating to a Parliamentary or Municipal election or to a specific candidate in such election or a poster relating to a referendum shall be displayed for longer than the period extending from the beginning of either the date of nominations or proclamation in the Government Gazette declaring that a referendum is to be held, as the case may be until the end of the tenth day after the date of such election or referendum: Provided

that posters not relating to a specific candidate may also be displayed for a period not longer than that extending from a date fourteen days prior to either nomination day or the date of proclamation in the Government Gazette declaring that a referendum is to be held, as the case may be.

- (j) The provisions of subsection 27(2) shall not apply in respect of a poster relating to a Parliamentary or Municipal election or referendum, which:
 - (i) is placed entirely inside private premises;
 - (ii) is displayed in or on a motor vehicle;
 - (iii) is displayed at the committee room clearly marked as such, of a candidate in an election; or
 - (iv) is affixed to an advertising hoarding for which approval has been granted in terms of section 2.

27.9 Conditions applicable to Commercial Posters:

- (a) Posters shall be fixed to electric light standards (posts) by means of removable brackets or strapping. No drilling or welding of poles will be allowed.
- (b) Posters shall be placed at least 50m from the centre of an intersection.
- (c) A maximum of one poster per direction of travel, per post or standard.
- (d) Signs may be double-sided, depending on traffic flow or whether such a need exists.

27.10. Conditions applicable to Newspaper Posters:

- (a) Posters shall be fixed to electric light standards (posts) by means of removable brackets or strapping. No drilling or welding of poles will be allowed.
- (b) Posters shall not be used to advertise any commercial items, any event or election.
- (c) Posters shall be displayed for 24 hours only.
- (d) A maximum of one per post or standard shall be allowed.
- (e) The Local Municipality of Madibeng shall determine the number and display format of posters in this category.

27.11 Any poster which is displayed without the permission of the Municipality or in contravention of this section may without notice be removed and destroyed by the Municipality, at the cost of the person who displayed the poster or caused, or allowed it to be displayed.

27.12 This class will be allowed in areas of maximum, partial and minimum control.

28. TRAILER ADVERTISING

28.1 Trailer signs may not be stationary.

28.2 Trailer signs may not be parked on a road reserve or any place where the signs will be visible from a road.

28.3 A trailer sign must comply at all times with traffic safety regulations and may not have a detrimental effect on traffic flow.

29. FREE STANDING ON-PREMISE BUSINESS SIGNS

29.1 This class consists of free standing locality-bound signs which are aimed at identifying and locating businesses, enterprises and industries in urban areas, businesses and enterprises at centres of economic activity in natural and rural areas, including farm stalls and other enterprises on farms and smallholdings.

29.2 Signs in this class shall refer only to the name and nature of the business or enterprise on the premises; the brandname and nature of the goods for sale or goods produced; the nature of services provided; and the name of the person(s) or firm who own(s) the business or provide(s) the goods or services at the premises.

29.3 This class will be allowed in all areas of control.

29.4 The size and height of signs allowed in this class are as follows:

Size: Area of Maximum control: up to 6m² for single business signs, and up to 18m² for combination signs.

Size: Area of Partial / Minimum control: up to 12m² for single business signs, and up to 36m² for combination signs.

(a) Maximum height of 9m.

(b) Sponsor name/logo may be allowed, with a maximum of one third of the total sign area.

29.5 The position and spacing requirements for this class of sign is as follows:

- (a) Only locality bound advertisements which shall be displayed on the premises where the business is conducted.
- (b) Only one sign / one panel per enterprise, or one per entrance (max two).
- (c) Posters can be placed on the premises of the enterprise or if not visible from the road, then it can be allowed at the entrance road.
- (d) Preference will be given to combination signs.
- (e) On-premises signs will be allowed inside road reserves, but only on formal structures as determined, positioned and approved by the Municipality.

29.6 These signs may be illuminated but not animated.

29.7 Only one sign or one advertising panel on a combination sign shall be allowed per business enterprise.

29.8 If there is more than one entrance to premises on different road frontages, two signs or two advertising panels may be allowed per enterprise, each on a different road frontage.

29.9 This class is subject to the approval of the Municipality.

30. SERVICE FACILITY ADVERTISEMENT

30.1 This class consists of combination signs displayed at filling stations or roadside service areas (rest and service areas) which may provide services such as fuel pumps, workshops, restrooms, car washes, shops, accommodation facilities, restaurants, fast food outlets and autotellers.

30.2 This class will be allowed in all areas of control.

30.3 The size and height of signs allowed in this class, are as follows:

Speed (km/h)	Maximum Height	Maximum Width
0 up to 80	10m	3m
More than 80	15m	6m

30.4 Maximum: 8 panels per sign and one business or enterprise per panel will be allowed.

30.5 The position and spacing requirements for this class of signs are as follows:

- (a) Signs may only be located along the road where the facility has access from.
- (b) One combination sign per site, per direction of traffic flow.
- (c) If the sign cannot be located on the site and have to be located in the road reserve, specific approval should be obtained both from the municipality and / or the relevant roads authority. It should then be located as close as possible to the access and in front of the service facility site.

30.6 These signs may be illuminated only if the facility is open for 24 hours, or during the business hours of the specific service. No animation is allowed.

30.6.1 Advertisements shall refer only to the name or logo of a business, company or person providing a service or shall indicate the type of service provided. Only signs for locality-bound services shall be allowed.

30.6.2 Supplementary signs at roadside service areas, which do not form part of a combination sign permitted under this class, shall be used for internal direction and orientation only and shall not be aimed at passing motorists.

30.7 This class is subject to the approval of the municipality.

31.1 CONTENT, AMENITY AND DECENCY

31.1 Advertisements positioned along roads and specifically targeting the road user shall be concise and legible and shall comply with the following requirements:

- (a) Bit values shall be calculated as follows per element of an advertisement:

Words of up to eight letters, inclusive	1,0 bit
Words of more than eight letters	2,0 bits
Words such as "a, the, than, and, an"	0,25 bits
Numbers of up to four digits, inclusive	0,5 bits
Numbers of five to ten digits	1,5 bits
Symbols and logos	0,5 bit
Background graphics (depending on the impact of the graphic)	1,0 to 3,0 bits

- (b) On any billboard, the number of bits should not exceed 15 bits, and the minimum size of the text should be 150mm high.

For all other type of advertisement signs, the text size should be a minimum of 50mm high, and should be readable by the public travelling along that specific road.

- 31.2 A sign shall have a neat appearance in terms of advertisement content and sign writing, and shall not contain untidy handwritten messages. This shall be done to the satisfaction of the Municipality.
- 31.3 No advertisement shall, in the opinion of the Municipality be in its content objectionable, indecent or suggestive of indecency or prejudicial to the public morals; or be in conflict with the guidelines or standards laid down from time to time by the Advertising Standards Authority (ASA), or any similar body recognised as representing the industry.
- 31.4 If so required by the Municipality, the content of signs will be subject to approval by the Municipality before erection of the advertisement.

32. MATERIALS FOR SIGNS, ADVERTISING HOARDINGS, SCREENS AND SUPPORTING STRUCTURES

- 32.1 All iron or steel used in any sign, advertising hoarding and screens referred to in section 17 or as means of support for such a sign, hoarding or screen shall be painted or otherwise effectively protected against corrosion.
- 32.2 No water soluble adhesive, adhesive tape or other similar material shall be used to display or secure any sign elsewhere than on an advertising hoarding or within a fixture referred to in section 4.1(d).

33. DRAINAGE OF SIGNS

Measures shall be taken to prevent the entry of water into and the accumulation of water or moisture on or in any sign or in any part of its supporting framework, brackets or other members.

34. POWER CABLES AND CONDUITS TO SIGNS, AND ILLUMINATION

- 34.1 Every power cable and conduit containing electrical, conductors for the operation of a sign shall be so positioned and fixed that it is not unsightly.
- 34.2 All electrical work referred to in this by-law shall comply with the Local Municipality of Madibeng Electricity By-law, and the Machinery and Occupational Safety Act, 1993, as amended.
- 34.3 No sign or advertising hoarding shall be connected to any electricity supply without the prior written permission of the Departmental Manager: Water and Electricity.

- 34.4 The following maximum luminance levels per square meter are applicable for all classes of advertisements (as permitted by the International Commission on Illumination):

<u>Illuminated area</u>	<u>Maximum luminance</u>
Less than 0.5 m ²	1 000 candela/m ²
0.5 m ² up to 2 m ²	800 candela/m ²
2 m ² up to 10 m ²	600 candela/m ²
10 m ² or more	400 candela/m ²

- 34.5 Illumination is permitted on an advertisement or advertising sign only if it does not lead to unsafe driving conditions, or does not have a detrimental effect on the surrounding area and where it is specifically not prohibited.
- 34.6 An advertisement or advertising sign should not be illuminated unless the road is lit by overhead lighting over the full distance within which the advertisement is visible from that road and the source of the illumination is concealed from oncoming traffic, unless otherwise decided by the municipality for specific reasons and with proper motivation.

35. ERECTION AND MAINTENANCE OF SIGNS, ADVERTISING HOARDINGS AND BILLBOARDS

- 35.1 The provisions of Regulations B1 of the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977, shall apply mutatis mutandis to every sign, advertising hoardings and its supporting structure and any screen referred to in section 17.
- 35.2 The owner of any land or building on which a sign is displayed or on which a sign or advertising hoarding is erected or to which a sign is attached and the owner of any such a sign or hoarding shall be jointly and severally responsible for the maintenance in a safe and proper condition and for the cleaning and the repainting of any such sign or hoarding, to the satisfaction of the Municipality.
- 35.3 If, in the opinion of the Municipality, any sign or advertising hoarding :
- (a) is in a dangerous or unsafe condition or in a state of disrepair;
 - (b) is detrimental to the environment or the amenity of the neighbourhood;
 - (c) obliterates other signs, natural features, architectural features or visual lines of historical interest;
 - (d) is of a derogatory or discriminatory nature;
 - (e) be erected without approval where such approval is required by any Act or Regulations or any other law;

the Municipality will serve a notice on an owner referred to in section 35.3 requiring him at his own cost, to remove the sign or hoarding or do other work specified in the notice within a period so specified.

- 35.4 The Municipality will, if in its opinion an emergency exists, instead of serving the notice in terms of section 35.3 or if such notice has not been complied with within the period specified therein, itself carry out or appoint someone to carry out the removal of the sign or advertising hoarding or do other work which it may deem necessary and may recover the cost thereof from the owner or owners referred to in section 35.2, jointly and severally.
- 35.5 The municipality may increase the minimum spacing between advertisements, or place further restrictions on the position, size and content of any advertisement if considered necessary, in the interests of road safety or environmental impact, or any other reasonable reason.
- 35.6 If an approved advertising structure does not display an advertisement or message for a period of more than 3 months or as otherwise agreed with the municipality, the municipality will serve a notice on the owner thereof requiring him, at his own cost, to remove the structure or to display an advertisement or message within a period specified on the notice or the structure may be used by the municipality for advertising, as agreed with the structure owner.

36. POSITION ON THE SITE

- 36.1 Before any advertising structure is erected, it must be considered by the municipality, whether the advertising structure is suitably positioned and orientated.
- 36.2 No advertisement or advertising sign may—
- (a) be higher than the height restriction of that specific site or the direct surrounding sites;
 - (b) encroach on the building restriction area or any servitude;
 - (c) be erected within or over any servitude, unless specific approval has been granted by the relevant authority;
 - (d) exceed the minimum clearance with regard to overhead power lines as prescribed in Regulation 15 of the Electrical Machinery Regulations (No R1593 in GG11458 of 12 August 1988). Permission must be obtained from the relevant supply authority before any advertising structure may be erected close to a power line servitude; and

- (e) unreasonably obscure, partially or wholly, any advertising sign owned by another person, which was previously legally erected and legally displayed.

37. MEASUREMENT OF SIGNS

37.1 Whenever the maximum permissible area of any sign is specified in these By-laws, such area shall be deemed to be the area of the smallest notional rectangle within which such sign can be contained.

37.2 The Municipality may permit or require the dimensions of a sign to be greater than those prescribed in these By-laws.

38. CHARGES AND FEES

Every person who applies to the Municipality or authorized body for its approval or permission to erect a sign shall on making the application pay to the Municipality or authorized body the charge determined therefor and no application shall be considered until such charge has been paid.

39. DAMAGE TO PROPERTY OF THE LOCAL MUNICIPALITY OF MADIBENG

No person shall in the course of erecting or removing any sign, advertising hoarding, billboard, poster or banner, cause any damage to any tree, electric standard, service or other Municipal installation, any Municipal property, or the environment, including a tree. The cost for any repairs which are necessary and incurred by the Municipality shall be for the account of the persons responsible for such damage.

40. ENTRY AND INSPECTION

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

41. OFFENCES

41.1 Any person who:

- (a) contravenes or fails to comply with any provision of this By-law;
- (b) contravenes or fails to comply with any requirement set out in a notice issued and served on him in terms of this By-law;
- (c) knowingly makes a false statement in respect of any application in terms of this By-law;

shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding R3 000 or, in default of payment, to imprisonment for a period not exceeding two months, and in the case of a continuing offence to a fine not exceeding R 500- for every day during the continuance of such offence after a written notice has been issued by the Municipality requiring discontinuance of such offence, and for a second or subsequent offence he shall be liable upon conviction to a fine not exceeding R3 000, or in default payment, to imprisonment for a period not exceeding two months.

42. RESPONSIBLE PERSONS

42.1 If any person is charged with an offence referred to in section 41, relating to any sign, advertising hoarding or poster:

- (a) it shall be deemed that such person either displayed such sign, advertising hoarding or poster or caused or allowed it to be displayed;
- (b) the owner of any land or building on which any sign, advertising hoarding or poster was displayed, shall be deemed to have displayed such sign, advertising hoarding or poster, or caused or allowed it to be displayed;
- (c) any person who was either alone or jointly, with any other person responsible for organizing, or was in control of, any meeting, function or event to which a sign or poster relates, shall be deemed to have displayed every sign or poster displayed in connection with such meeting, function or event or to have caused or allowed it to be displayed; and
- (d) any person whose name appears on a sign, advertising hoarding or poster shall be deemed to have displayed such sign, advertising hoarding or poster or to have caused or allowed it to be displayed, unless the contrary is proved.

43. INDEMNITY

43.1 The owner of the building or property on which a sign contemplated in subsection 4(1)(g) is displayed, shall indemnify the Municipality against any consequences flowing from the erection, display or mere presence of the sign.

43.2 The municipality may refuse any application submitted or grant its approval to any condition which it may deem expedient, including a condition that the owner of any sign or structure, or the owner of the land or building on which such sign is to erected and displayed, or both such owners, indemnify the municipality to its satisfaction against any consequence flowing from the erection, display or mere presence of such sign.

44. REMOVAL OF SIGNS OR ADVERTISING HOARDINGS

- 44.1 If any sign or advertising hoarding is displayed so that in the opinion of the Municipality it is detrimental to the environment or to the amenities of the neighbourhood, or otherwise in contravention of this By-law, the Municipality will serve a notice on the owner of the sign or advertising hoarding to remove such sign or advertising hoarding or carry out such alteration thereto or to do such other work as may be specified in such notice within a time specified in the notice.
- 44.2 If a person fails to comply with a request contained in a notice referred to in section 44.1, the Municipality will remove such sign or advertising hoarding.
- 44.3 The municipality may issue or send a spot fine with the notice.
- 44.4 The Municipality shall in removing a sign or hoarding contemplated in section 44.1, not be required to compensate any person in respect of such sign or advertising hoarding, in any way for loss or damage resulting from its removal.
- 44.5 Any costs incurred by the Municipality in removing a sign or advertising hoarding, in terms of section 44.2 or in doing alterations or any other works in terms of this section will be recovered from the person on whom the notice contemplated in section 44.1) was served, or if a deposit has been paid in respect of such sign or hoarding the costs may be deducted from the deposit.
- 44.6 Notwithstanding the provisions of subsections (1), (2), (3) and (4) above, if a sign constitutes a danger to life or property or is obscene, the Municipality itself may, without serving any notice, carry out the removal of such sign or advertising hoarding at the cost of the owner thereof.

45. SERVING OF NOTICES

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

46. REPEAL OF FORMER BY-LAWS

Any by-laws formerly regulating outdoor advertising in the Brits, Hartbeespoort, Skeerpoort and Mooinooi municipal areas before the establishment of the Local Municipality of Madibeng are hereby repealed.

47. COMMENCEMENT OF BY-LAW

This by-law shall be implemented on date of promulgation in the Provincial Gazette of North West Province.

**M JUTA
MUNICIPAL MANAGER**

Civic Centre
Van Velden Street
P O Box 106
Brits
0250

Notice Number: 109/2012

ANNEXURE A:
LOCAL MUNICIPALITY OF MADIBENG-
OUTDOOR ADVERTISING APPLICATION FORM

1) Name of Applicant/Company Applying:

2) Contact Person:

 ...

3) Land line: Cell Nr: Fax Nr:

4) Type and Size of Sign Applying for (mark the relevant type with a 'X' and complete the information):

Type of sign:

Height:.....m Width:.....m Size:.....m² Clear height:m

5) Is the sign single or double sided:

6) Illumination applied for: YES / NO. Type of Illumination: External / Internal / Other

7) Position / Location of Sign:

Erf number and Suburb (if applicable):

Street Address:

Describe position on the site:

SIGNED BY: (name of the APPLICANT)

SIGNATURE: DATE:

SIGNED BY: (name of the LAND OWNER)

SIGNATURE: DATE:

.....

SIGNED BY: (name of the STRUCTURE OWNER)

SIGNATURE: DATE:

.....

DOCUMENTATION REQUIRED TO BE ATTACHED TO AN OUTDOOR ADVERTISING APPLICATION:

CHECKLIST

The following items must accompany any application submitted to the Local Municipality of Madibeng, except if otherwise required by Council, in the same order as mentioned below:

(Please tick next to the item if it is attached, with a 'X'):

Application Fee paid (as determined by Council, receipt to be attached): R.....	
Locality Plan	
Block / Site Plan of the site (to scale), showing the buildings and position with dimension of the advertising sign / structure in relation to the boundaries of and buildings on the site	
Super-elevation of the sign, to the correct scale and size of the sign	
A professional engineer's structural drawings or a letter to state his undertaken involvement with the design and erection of the structure, registered under the Engineering Profession Act, 2000 (Act 46 of 2000)	
Written approval of the Registered Owner of the Property on which the sign is to be erected	
Certified proof of the zoning / land-use in terms of the Town Planning Scheme	
Plans/drawings showing all relevant construction details (structural engineers drawings): Elevations and sections to a scale of 1:100, full description of materials and finishes, etc.	

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.
Tel: 334-4507, 334-4511, 334-4509, 334-4515
Also available at the **North-West Province**, Private Bag X2036, Mmabatho, 8681. Tel. (0140) 81-0121
Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaat Sak X85, Pretoria, 0001.
Tel. 334-4507, 334-4511, 334-4509, 334-4515
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