



Draft Polokwane Municipal Outdoor Advertisement By-Law, 2019

PROPOSED BY-LAWS FOR THE POLOKWANE LOCAL MUNICIPALITY

PUBLICATION OF DRAFT BY-LAWS FOR COMMENT: OUTDOOR ADVERTISING BY-LAWS

1. The following draft Outdoor Advertising By-Laws for the Polokwane Local Municipality contained in the schedule hereto, are hereby in terms of Section 12 (3) (b) of the Local Government: Municipal Systems Act No. 32 of 2000 published for public comment to enable the Municipality to consider the adoption thereof after comments have been received and considered.
2. Written comments must be handed in at the office of the Municipal Manager, Municipal offices,or posted to the Municipal Manager, P.O. Box.....,, or faxed to the Municipal Manager at number or sent by email to the Municipal Manager to.....
3. Comments must reach the office of the Municipal Manager not later than 14 (fourteen) calendar days after the date of this publication. Comments received after this date will not be considered.
4. Copies of the draft By-Laws will also be available for perusal at the library and Municipal offices induring normal office hours. A copy of these draft By-Laws may also be obtained from the aforementioned offices at a nominal fee. These draft By-Laws are also published on the Municipal website at www....
5. Persons who are not able to read or write and who wish to comment on these draft By-Laws will be assisted by the Managerduring office hours at the Municipal offices in, Mr/Mscan be contacted at

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MUNICIPAL MANAGER

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CHAPTER 1: INTERPRETATION AND APPLICATION

1. Definitions

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

“adjoining” means all the adjoining property owners/occupiers which include the properties on the opposite side of a street or lane;

“advertisement” means any representation by a word, or abbreviation thereof, letter, logo, symbol, sign, figure, painting, drawing or other pictorial representation, or light, displayed in or in view of any public place, Municipal, Provincial or National Road within the jurisdiction of Polokwane Local Municipality for the purpose of drawing the attention of the public to or promoting any product, service, business or commercial enterprise, trade, person, election or candidature in an election, voter registration, entertainment, function, meeting or other event, aspects relating to security and news headlines;

“advertising sign” means a screen, fence, wall or any other object, structure or device, freestanding or attached to any wall or structure, in a fixed position or movable, intended to be used or used for the purpose of displaying any advertisement and any object, structure or device which is in itself an advertisement, in or in view of a public place, Municipal, Provincial or National Road and includes an advertising hoarding and billboard and insofar as any provision of these By-laws relating to an advertising sign is practically capable of being applied to an advertisement, includes an advertisement other than an advertisement displayed on an advertising sign and a poster;

“advertising” means the act or process of displaying an advertisement;

“advertising structure” means any physical structure erected to display an advertisement;

“advertise” has a corresponding meaning;

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

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

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

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

“aerial advertisement” means an advertisement that is exhibited, displayed or performed in the air with the aid of balloons, searchlights, aircraft or similar means.

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

“applicant” means a person who makes an application in terms of the provisions of this By-law on public or private land and it includes such person’s duly authorized agent;

“approved” means approved in writing by Polokwane Local Municipality and, **“written approval”** has a corresponding meaning;

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

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

“area of maximum control” means an area in which maximum control of outdoor advertising is applied as contemplated in Schedule 1;

“area of minimum control” means an area in which minimum control of outdoor advertising is applied as contemplated in Schedule 1;

“area of partial control” means an area in which partial control of outdoor advertising is applied as contemplated in Schedule 1;

“arterial road” means a road that the municipality has declared to function as a main carrier of traffic within an urban area;

“authorised official” means any official of the Municipality who has been authorised by the Municipality to implement and enforce the provisions of these By-laws, **“official”** has a corresponding meaning;

“balcony or under awning advertisement” means an advertisement-

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

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

“billboard” means any screen or board larger than 4,5 m² supported by a free standing structure, which is to be used or intended to be used for the purpose of posting, displaying or exhibiting an advertisement and which is also commonly known as an advertising hoarding. The main function of a billboard is to advertise non-locality bound products, activities or services;

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

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

“blimp” means a gas-inflated balloon or other object, including any such object capable of carrying passengers, which is attached or anchored to the ground upon which an advertisement is displayed;

“building line” means a building line determined under an applicable town planning scheme or any other law or document that has the force of law;

“building schedule” means a development programme for the construction or renovation of a building or structure specifying the different phases of the development or renovation and the type of construction prepared by a person undertaking the activities concerned;

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

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

“charge determined by the municipality” means an appropriate amount due and payable, that is either fixed as set forth in these by-laws or reviewed and determined annually by the municipality;

“clear height” means the vertical distance between the lowest edge of an advertising sign and the level of the ground, footway or roadway immediately below such sign;

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

“combination sign” means a single freestanding structure specially designed to accommodate and display more than one advertising sign for a location such as a roadside service area, shopping centre, office park, industrial park and other urban complexes;

“communal area” means all areas that has been declared “villages” in terms of the (R188) Black Administration Act of 1962 wherein the land falls under South African Development Trust or is held in trust by the Minister of Land Affairs, or a bought Farm: a new legislation provisions: Communal Lands Right Act of 2002;

“construction site advertisement” means an advertisement affixed flat against or on top of a fence or wall forming the boundary of a construction site;

“construction site” means a property or portion of a property on which any building or structure is being constructed after building plans have been approved in terms of the National Building Regulations and Building Standards Act, or provisional authorisation has been granted in terms of Section 7(6) of that Act, or a property or portion of a property on which any building or portion of a building is to be demolished after a demolition permit has been issued in terms of the said Act;

“Municipality” means –

- (a) the Polokwane Local Municipality, a municipality established in terms of section 12 of the Local Government: Municipal Structures Act (Act No 117 of 1998), as amended, exercising its legislative and executive authority through its municipal Municipality; or
- (b) its successors in title; or
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By-laws has been delegated or sub- delegated, or an instruction given, as contemplated in section 59 of the Municipal Systems Act, as the case may be;

“day” means Monday Friday, excluding public holidays, unless indicated otherwise by the text.

“calculation of time periods” day means a calendar day, and the first day is excluded and the last day included. The last day of any period must be excluded if it falls on a Saturday, Sunday, public holiday or on a day during the period between 16 December to 7 January.

“development advertisement” means an advertisement describing (including pictorial representation) of the type of development being carried out on a construction site;

“directional sign” means an advertising sign indicating or directing the attention of the public to a place, undertaking or activity for the purpose of advertising it;

“display” means the display of an advertisement and **“displayed”** has a corresponding meaning;

“dwelling house” means one dwelling unit forming a single building;

“dwelling unit” means an interconnected suite of rooms designed for occupation by a single family, irrespective of whether the dwelling unit is a single building or forms part of a building containing two or more dwelling units.

“educational institutions” means any primary or secondary or higher educational institution;

“election” means a national, provincial or local government election, any by-election and a referendum held in terms of any law;

“electronic advertising sign” means an advertising sign, which has an electronically or digitally controlled, or both an electronically and digitally controlled, illuminated display surface, which allows for different advertisements to be shown, changed, animated or illuminated in different ways and at different intervals on one such sign;

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

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

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

“erf” means an erf, stand, lot, plot, agricultural holding or similar land entity registered in a deed of registry;

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

“event” means an occasion organised for the general public;

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

“façade” means the principal front of a building;

“farmland / small-holding areas” means rural areas forming a transition between urban areas and unspoilt natural areas and includes intensive agricultural, substance agriculture and peri-urban small holdings of a predominantly rural nature and with relatively low population densities;

“flag” means a piece of cloth or similar material upon which an advertisement is displayed and which is attached to a single rope, pole or flagstaff projecting vertically in such a way that its contents are normally not legible in windless conditions but excludes –

- (a) a national flag which does not carry any advertisement in addition to the design of the flag or flagstaff;
- (b) a flag carried as part of a procession; and

- (c) a flag which is not displayed on a flagstaff.

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

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

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

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

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

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

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

“gantry” means a freestanding advertising sign that extends over, or suspends across a public street erected for the sole purpose of displaying an advertisement.

“gantry billboard” means a billboard fixed to an overhead structure, usually spanning a road;

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

“height” means the maximum vertical distance from the ground, road surface, or surface level to the top of the advertisement;

“height zone” means a “zone” indicating restrictions as to the height of buildings;

“illuminated” in relation to an advertising sign means that it has been installed with electrical or other power for the purpose of illuminating it, either continuously or intermittently;

“interested party” means any person who has in terms of these By-laws submitted an application or submitted comments or an objection or made representations in respect of any such application;

“intersection” means that area embraced within the prolongation of the lateral boundary lines of two or more public streets, open to vehicular traffic, that join one another at any angle, whether or not one such public road crosses the other;

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

“m” means metre;

“m²” means square metre;

“**mm**” means millimetre;

“**Motorway**” means a road or part of a road designated as a motorway/freeway in terms of applicable legislation;

“**municipal area**” means the jurisdiction area of the Polokwane Municipality;

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

“**Municipal Systems Act**” means the Local Government: Municipal Systems Act, 2000 (Act, No. 32 of 2000) and any regulations made thereunder;

“**Municipal Structures Act**” means the Local Government: Municipal Structures Act (Act No. 117 of 1998);

“**National Building Regulations and Building Standards Act**” means the National Building Regulations and Building Standards Act, 1977, (Act No. 103 of 1977), and any regulations made there under;

“**National Environmental Management Act**” means the National Environmental Management Act, 1998 (Act No. 107 of 1998) and any Regulations made thereunder;

“**National Road Traffic Act**” means the National Road Traffic Act, 1996 (Act No. 93 of 1996), and any Regulations made thereunder;

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

“on-premises advertising sign” means an advertising sign located on-

- (a) a property other than a public place; or
- (b) a public street and adjacent to a property contemplated in paragraph (a), on which sign an advertisement is displayed, advertising any business, industry, service, activity or attraction taking place or provided on that property and **“on-premises advertising”** has a corresponding meaning;

“on-premises business advertisement” means an advertisement aimed at identifying and locating business enterprises and industries, and excludes a residential or community advertisement;

“outdoor advertising” means the display of any advertisement in or in view of any public place, Municipal, Provincial or National Road within the jurisdiction of the Polokwane Local Municipality;

“owner” means, in relation to –

- (a) property, the person registered as the owner or holder thereof and includes the trustee in an insolvent estate, the liquidator of a company or a close corporation which is an owner and the executor of any owner who has died or the representative recognised by law of any owner who is a minor or of unsound mind or is otherwise under disability, provided such trustee, liquidator, executor or legal representative is acting within the authority conferred on him or her by law; and
- (b) an advertising sign or advertisement, the person who owns such sign or advertisement and any person who has a right to, or share in, the ownership of such sign or advertisement;

“performing arts” means any live entertainment and/or performances performed by artists or entertainers;

“permanent sign” means a sign that may be displayed for a maximum of 5 (five) years or any other period approved by the municipality;

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

“poster” means any placard displaying an advertisement attracting public attention to any event or activity for which a poster may be approved as contemplated in section 40(1);

“pre-evaluation submission” means the submission envisaged in section 3(4) of this By-law;

“prescribed” means prescribed by the Municipality;

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

“projected sign” means an advertisement projected by a cinematograph or other apparatus onto any surface, but does not include an advertisement projected onto the audience’s side of a drive-in cinema screen during a performance;

“projecting sign” means an advertising sign, whether stationary or actuated, attached to and protruding from a building which is used for commercial business, offices, industrial or entertainment purposes and which projects more than 300mm from the surface of the wall to which it is attached;

“project board” means an advertisement displaying the involvement of a contractor or consultant in a construction project.

“property” means any unit of land, including a public place, registered as a separate entity of land in the Deeds Office and includes any unit and land contemplated in the Sectional Titles Act, 1986 (Act No. 95 of 1986) and any public place depicted on the general plan of a township;

“public place” means a public street, bridge, subway, a square, open space, garden and any other enclosed space to which the public has a right of access or which is commonly used by the public and which is vested in the Municipality in terms of any law;

“public street” means a road, street or thoroughfare or other right of way to which the public has a right of access or which is commonly used by the public and includes any portion of a public street between the edge of the roadway and the boundary of the land reserved for such public street, including a sidewalk, and it includes Provincial and National motorways;

“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;

“rates penalty” means the rate penalty as prescribed by the Municipality’s Rates Policy and as envisaged in section 38 (2) of these By-laws.

“registered person” means a person registered with the Engineering Municipality of South Africa as a professional engineer or professional engineering technologist, professional certified engineer or professional engineering technician under the Engineering Profession Act, 2000, (Act No. 46 of 2000);

“residential building” means a building, other than a dwelling house and dwelling unit, designed for use or used for human habitation and includes a guest house, boarding house, hotel, residential club and hostel;

“residential or community advertisements” includes a variety of small notices and advertisements displayed on premises used for residential-orientated purposes and for community services, and include

advertisements in urban areas and also on places of residence in natural and rural areas, but are limited to-

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

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

“roadway” means that portion of a public street which is improved, constructed or intended for vehicular traffic;

“road median” means the area separating traffic lanes on a roadway;

“road reserve” means the full width of a public street including the roadway, shoulder and sidewalk and the air space above a roadway, shoulder and sidewalk and any other area within the road reserve boundary;

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

“road traffic sign” means any road traffic sign and traffic signal as contemplated in the National Road Traffic Act;

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

“rotating sign” means a sign which rotates about on an axis;

“SAMOAC” means the South African Manual for Outdoor Advertising Control compiled and published by the Department of Transport, April 1998;

“Class one: Billboards and other high impact free-standing signs” means free-standing advertising structures which have a very high visual impact owing to sheer size (billboards) or owing to appearance (tower structures). The main function of this class is to advertise non-locality-bound products, activities and services.

“Class two: Posters and general signs” means these signs generally have a lower aesthetic impact owing to smaller size or temporary nature. However, the relative ease with which some of these signs are manufactured and displayed and the relatively low cost involved cause a significant aesthetic impact.

“Class three: Signs on buildings, structures and premises” means this class consists mainly of advertisements and signs attached to or painted on larger structures not primarily erected for displaying advertisements such as buildings, towers and bridges. However, class three also allows for certain free-standing on premises signs and advertising structures directly linked with enterprises, residential functions or community services. Owing to this close relationship with buildings, enterprises, residential functions and community services this sign type is functionally limited to urban areas and rural centres of economic activity with only one or two exceptions. The aesthetic impact of advertisements in this class ranges widely from the huge sky sign on top of a building to the very small “beware of the dog” sign on a residential site. Most of the signs in this class are locality bound and have a high necessity value since they play an important role in locating enterprises and other functions and services.

“Class four: Signs for the tourist and Traveller” means signs aimed at tourists and travellers have a role to play in all three landscape types. The actual visual impact varies from relatively high in the case of service facility signs at highway service complexes to relatively low in the case of brown tourism signs that harmonise with the environment. These signs have the primary function of directing the tourist and traveller and of indicating the availability of certain services. They therefore have a rather high necessity value.

“Class five: Mobile signs” means these signs will be concentrated in urban areas but being mobile might also occur in the other landscape types. Most mobile signs will have a relatively low aesthetic impact. However, owing to a highly mobile nature advertisement trailers can be very difficult to control and may have a rather negative impact on traffic safety. Mobile signs have a low necessity value.

“scaffolding” means a system of interlocking poles and bars used to provide support or access, or both, to a site for construction purposes as regulated by the South African Bureau of Standards code of practice 085, entitled The Design, Erection, Use and Inspection of Access Scaffolding;

“scrolling advertising sign” means an advertising sign which by mechanical means allows the rotation or changing of advertising faces to display different advertisements on one such sign;

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

“service facility advertisement” means an advertisement at a filling station or roadside rest and service area;

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

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

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

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

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

“sky sign” means any advertising sign erected or placed on or above any roof, parapet wall or the eaves of a building, but does not include an advertisement painted on a roof of a building;

“special event” means an event of a special kind, whether once off or repeatedly, organised, staged and taking place within the jurisdictional boundaries of the Municipality;

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

“storey” means the space within a building, which is situated between one floor level and the next floor level above, or if there are no clearly defined storeys, a height of 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 vest in the municipality;

“street furniture advertisement” means an advertisement displayed on any public facility or structure which is not primarily intended for advertising and includes a seating bench, plant box, sidewalk litter bin, pole-mounted litter bin, public transport shelter, sidewalk clock, suburban name sign and a street name and drinking fountain;

“street light pole advertising sign” means an advertising sign fixed to or erected on a street light pole which pole vests in the Municipality;

“street name advertisement” means a pole-mounted advertisement that may be illuminated, that is displayed in combination with a street name sign;

“streetscape” means the visual product of all the features within and adjacent to a public street such as street furniture, signage and landscaping;

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

“super billboard” means a massive billboard larger than 36m²;

“temporary sign” means a sign that may be displayed for a maximum of 14 (fourteen) days or any other period approved by the municipality;

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

“third-party advertising sign” means an advertising sign located on a property upon which sign one or more advertisements are displayed which are not descriptive of any business, industry, service, activity or attraction situated, taking place or provided on that property and **“third party advertising”** has a corresponding meaning;

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

“tower, bridge and pylon advertisement” means a billboard affixed to or painted on a tower bridge or pylon that is not used primarily for advertising purposes;

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

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

“traffic officer” means a traffic officer as contemplated in the National Road Traffic Act;

“trailer advertising” means any transport trailer that is used for the purpose of advertising;

“transit advertising sign” means a vehicle or trailer designed or adapted for advertising purposes and mainly used for such purposes;

“urban area” means a human settlement with a population of more than 2500 (two thousand five hundred) people;

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

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

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

“urban design” means the actions of conceiving and managing the special and aesthetic characteristics of urban space between and around buildings including physical elements that make up the streetscape and the combined visual effect of building facades and other structures;

“vehicular advertising” means advertising on self-driven vehicles which are normally driven on land or water and are normally moving;

“veranda” 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;

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

“voter registration” means voter registration conducted by the Independent Electoral Commission established in terms of section 4 of the Independent Electoral Commission Act, 1993 (Act No. 73 of 1998), for the purpose of any election;

“window signs” means signs which are permanently painted on or attached to the window-glass of a building;

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

2. Application of and responsibility for complying with By-laws

- (1) These By-laws apply to all outdoor advertising in the area and jurisdiction of the Municipality.
- (2) Prior written approval from Municipality 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 the provisions of any other law.
- (3) The owner of an advertising sign and any person who has applied for approval of an advertising sign in terms of these By-laws must comply with any provision of these By-laws relating to that sign and must ensure that such provisions are complied with, subject to anything to the contrary contained in such provision.
- (4) An approval in terms of this By-law does not exempt the applicant/owner from complying with any other applicable law

CHAPTER 2: APPLICATIONS AND APPROVALS

3. Approval of advertising signs

- (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 prior written approval of the Municipality Provided that the provisions of this subsection do not apply to any advertising sign exempted in terms of section 13 of these By-Laws.
- (2) No advertising sign erected and displayed with approval contemplated in subsection (1) or any by-law repealed by section 52, may in any way be altered, removed, re-erected or upgraded, other than for maintenance work which may be required for the upkeep of an advertising sign, without prior

written approval of the Municipality and subject to such conditions and requirements as the Municipality may consider appropriate which may include the submission of proof of compliance with section 44.

- (3) An application for approval in terms of subsection (1) 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 authorised 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 Municipality;
 - (d) a block plan of the property upon which an advertising sign is to be erected, drawn to scale acceptable to Municipality, showing every building, building line and servitude on the site and the 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 third party or free-standing advertising signs situated within a radius of 200m from the proposed advertising sign on the same side of the road;

- (g) a diagram showing that the proposed position of the advertising sign is in conformity with figure 1 of Schedule 2, if applicable;
- (h) a copy of the 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 an applicable town planning scheme and a 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 that position to the closest two boundaries of the property concerned;
- (k) proof of compliance with any other law, including but not limited to, the National Road Traffic Act, the National Building Regulations and Building Standards Act, and the National Environmental Management 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 line relaxation in terms of any law, if applicable;
- (m) if a proposed advertising sign is to be attached to, or displayed on, the façade of a building, the approved building plans of that building showing an elevation and measurements of the building, and the details, measurements and position of the proposed advertising sign and the details and the position of every existing advertising sign on the building drawn to a scale acceptable to the Municipality;
- (n) if a proposed advertising sign is to be displayed on a boundary fence or hoarding enclosing any portion, or

the whole of a 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 a scale acceptable to Municipality, or proof that a section 7(6) has been granted, or proof that a demolition permit has been issued under the same Act, whichever is applicable;

- (o) a certificate by a registered person as envisaged by the provisions of the National Building Regulations and Building Standards Act, 103 of 1977, confirming the structural safety of the proposed advertising sign and its foundations, if applicable; and
 - (p) any other written information which the Municipality may require in writing.
- (4) The Municipality 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 in terms of subsection (3) must be on a sheet of not less than A4 size.
- (6) The Municipality must refuse to accept an application if –
- (a) subject to subsection (4) above, any requirement of subsection (3) has not been complied with; or
 - (b) the application relates to an advertising sign which is prohibited in terms of section 9.
- (7) If any information requested by the Municipality in terms of section (3)(p) is not provided within 60 days from the date of the first written request, or within such further period as the

Municipality may in writing permit, the application concerned shall automatically lapse without further notice.

- (8) Any extension of time envisaged in subsection (9) above shall be submitted for consideration prior to the lapsing of the application.
- (9) The owner of an advertisement or advertising sign that is erected without prior written approval from the municipality, shall be notified in writing by a municipal official of the owner's contravention in respect of these By-laws and afforded an opportunity to remedy such contravention.
- (10) In the event that the owner of the advertising sign and advertisement erected without prior written approval of the municipality, fails to remedy such contravention as set out in subsection 13 the municipal traffic police, shall have the powers to remove the advertisement, advertising sign or both without any further prior notice.

4. Consideration of applications

- (1) In considering an application in terms of section 3(3), the Municipality must, in addition to any other relevant factor, legislation, policy and By-laws of the Municipality, 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 streetscape;
 - (b) Whether the proposed advertising sign will –
 - (i) have a negative visual impact on any property zoned or used for residential purposes under any applicable town-planning scheme; or

- (ii) constitute a danger to any person or property or to motorists 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 Municipality is a natural feature, architectural feature or visual line of civic, architectural, historical or heritage significance; or
 - (vi) in the Municipality's opinion, be unsightly or objectionable or detrimentally impact on the 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 the circumstances in which it will be viewed in compliance with the minimum distances specified in section 6(2)(a);
- (d) any restrictive or other condition and any existing building line and servitude specified in a title deed, town planning scheme, conditions 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 the immediate surrounding area as set out in Schedule 1;
- (f) any comments/ objections/ representations submitted by and conditions determined or prescribed by a statutory

authority, for example, SANRAL, in terms of any legislation applicable to outdoor advertising;

- (g) any written representations, objections and comments received from any interested party; and
 - (h) any conflict with provisions of these By-laws.
- (2) (a) The Municipality may refuse any application in terms of section 3(3) or approve it, subject to any amendment or condition the Municipality deems appropriate which may include a condition, subject to section 3(3)(b) and if the approval is in relation to a third-party advertising sign and on private property, that an annual/monthly contribution be paid by the owner of the property as determined by the Municipality for benefiting from the exposure a public road/ street provides.
- (b) Any approval in terms of paragraph (a) may be for a period not exceeding 5 (five) years.
- (c) Any approval in terms of subsection (a) above may be for a period as determined by the Municipality.
- (d) The period of approval contemplated in paragraph (b) must be specified in the approval.
- (3) The Municipality must within 21 (twenty-one) days from date of a decision in terms of subsection (2)(a) above, in writing, notify every interested party who has furnished his or her postal address to the Municipality, of its decision, and must provide written reasons for its decision on receipt of a written request as contemplated in Section 5 of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000).
- (4) The Municipality must for its records retain every application, plans, drawings and other documentation submitted in terms of section 3(3) for a 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 law applicable to outdoor advertising; or
 - (b) the owner of an advertising sign is exempted from the duty to ensure that such sign is designed, erected, completed, displayed and maintained in accordance with the provisions of these By-laws and any other applicable law.
- (6) If an application in terms of section 3(3) has been refused in terms of subsection (2)(a) above, no further application may be lodged in respect of the same property for a period of two years from the date of such refusal, unless motivation acceptable to the Municipality is submitted indicating a change of circumstances prior to a further application being lodged in terms of that section.
- (7) If an advertising sign approved in terms of subsection (2)(a) above is not erected within six months from the date of notification of such approval or within a time specified in such approval or any further period which the Municipality on good cause shown allows in writing, the approval lapses, whereafter a new application must be submitted in terms of section 3(3).
- (8) An application for an extension envisaged in subsection (7) above shall be submitted for consideration prior to the lapsing of the approval and if the extension is granted, it may not exceed a further 3 months.
- (9) After the erection of an approved advertising sign, the applicant shall provide the Municipality with a completion certificate by a registered engineer within 2 days of date of such erection.

- (10) Any application for renewal shall be submitted to the Municipality for consideration in terms of section 3(3) within 5 months prior to the expiry of such an approved advertising sign.

5. Withdrawal and amendment of approvals

- (1) The Municipality may, after having considered any representations made in terms of subsection (2) below, withdraw an approval granted in terms of section 4(2) above or granted in terms of any By-law or other legislation applicable to Outdoor Advertising or amend or delete any condition or impose a further condition in respect of such approval if, in the opinion of the Municipality, the advertising sign concerned –
- (a) is or has, as a result of a change to the nature of the environment or the amenity of the neighbourhood, streetscape or urban design existing at the time of such approval, become detrimental to the area in which it is located by reason of its size, intensity of illumination, quality of design, workmanship, material or its existence;
 - (b) constitutes, or has become, a danger to any person or property;
 - (c) is obscuring any other advertising sign, natural feature, architectural feature or visual line of civic, architectural, historical or heritage significance; or
 - (d) is or has become prohibited in terms of these By-laws or any other law;
- (2) Prior to taking any decision in terms of subsection (1) above, the Municipality must in writing notify the owner of the advertising sign concerned and the owner of the property on which such sign has been erected of its proposed decision and that he or she may within 21 (twenty-one) days of the receipt of

the notice make written representations concerning the proposed decision.

- (3) The owner of the advertising sign concerned and the owner of the property concerned, must forthwith be given notice in writing of any decision in terms of subsection (1).
- (4) The Municipality must upon written request provide written reasons for its decision on receipt of a written request as contemplated in Section 5 of the Promotion of Administrative Justice Act, 2000.

6. Safety

- (1) No advertisement or advertising sign shall-
 - (a) Constitute a danger to any person or property;
 - (b) In terms of the appropriate road authority be so placed or contain an element which distracts the attention of drivers in a manner likely to lead to unsafe driving conditions;
 - (c) In terms of the appropriate road authority be illuminated to the extent that it causes discomfort to or inhibits the vision of approaching pedestrians or drivers;
 - (d) Be attached to a road traffic sign or signal, combined with a road traffic sign or signal (unless specifically provided for in the South African Road Traffic Sign Manual), obscure a road traffic sign or signal, create confusion with a road traffic sign or signal, interfere with the functioning of the road traffic sign or signal or create a road safety hazard in the opinion of the municipality or the appropriate roads authority;
 - (e) In terms of the appropriate roads authority obscure a pedestrian's or driver's view of pedestrians, road or rail vehicles and features of the road, railway or pavement such as junctions, bends and changes in width;

- (f) Project over a pedestrian or cycle circulation route, unless the clear height of such sign exceeds m;
 - (g) Obstruct fire escapes or means of egress to fire escapes
 - (h) Be placed closer than the minimum clearance with regard to overhead power lines as prescribed by any law;
- (2) Signs or advertisements positioned along roads and specifically targeting road user shall be concise and legible and shall comply with the following requirements:
- (a) Street numbers indicating specific premises shall have a minimum size of 150mm and a maximum size of 350mm.
 - (b) No message shall be spread across more than one sign panel. If so required, prior written approval must be obtained from the municipality.

CHAPTER 3: GENERAL REQUIREMENTS, EXEMPTIONS AND PROHIBITIONS

7. General requirements for advertising signs

- (1) The owner of an advertising sign and/or the owner of the property on which the approved advertising sign is to be erected must ensure that such sign is designed or located so as not to –
 - (a) be detrimental to the nature of the 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) project outside the boundaries of the property on which it is to be erected or displayed;
 - (e) result in the removal of, or damage to, any trees in a public place without prior written authorisation of the Municipality;
 - (f) be unsightly and/or objectionable and not to comply with minimum distances as prescribed in subsection (2)(a) in relation to any other advertising sign;
 - (g) have a detrimental visual impact on any residential property within the immediate area;
 - (h) obstruct a fire escape or the means of access to or egress from a fire escape; or
 - (i) comply with the minimum clearance with regard to overhead power lines stipulated in any law.
- (2) Any advertising sign on a public street or facing a public street, including advertising signs facing a Provincial Road, must comply with the following requirements:
- (a) except for street light pole and on-premises advertising signs, a minimum distance of 100m must be maintained between advertising signs or advertisements on the same side of a public street including any Provincial

motorway, provided that the Municipality may require a minimum distance exceeding 100m if it considers it necessary in the interest of road safety; and

- (b) except for static on-premises advertising signs flat against a building, no advertising sign may be located inside a prohibited area at any on- and 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 3.
- (3) Any advertising sign on a public street or facing a public street, including any Provincial Road, controlled by road traffic signs must in addition to any other requirement in terms of these By-laws or any other applicable law, 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 or create a traffic hazard;
 - (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 a 100m radius from the nearest road traffic sign or signal at an intersection;
 - (ii) no street furniture used for advertising or a sign containing the name of a suburb and an advertisement at an intersection may be within 5m from any road traffic sign;
 - (iii) except for temporary construction site advertising signs and street furniture advertising signs, no other third-party advertising sign may be positioned within 100m from the nearest road traffic sign or signal at an 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 the Municipality.
- (5) As a guideline, 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) Notwithstanding the guideline as set out in subsection (5) above, the Municipality may approve an application in excess of the sizes stipulated in subsection (5) above on good cause shown.
- (7) The overall height of an advertising sign may not exceed 12m with a clear height of 2,1m Provided that the Municipality may in granting an application in terms of section 4(2), approve a height stipulated in this subsection on good cause shown.
- (8) The following maximum luminance levels per square metre shall be applicable for all classes of advertising signs where illumination is permitted:

Illuminated area	Max. luminance
less than 0,5 m ²	1 000 candela/m ²
0,5 m ² < 2m ²	800 candela/m ²
2m ² < 10 m ²	600 candela/m ²
10m ² or more	400 candela/m ²

8. Power cables and conduits to signs

- (1) Every power cable and conduit containing an electrical conductor for the operation of an advertising sign must be so positioned and attached so that it is not unsightly.

- (2) No advertising sign may be connected to any electricity supply without the prior written permission of either the Municipality or the electricity supply authority concerned and such permission must, on request by an authorised official, be presented to him or her by the owner of the advertising sign concerned.
- (3) An Accredited Electrician must issue an Electrical Certificate of Compliance (“ECOC”) and must be registered with relevant body.

9. Electronic Billboards

- (1) No person may erect an electronic billboard or use or continue to use an electronic billboard or any structure or device as an advertising sign without first obtaining the prior written approval of the Municipality on both private property(ies) and Municipality owned land
- (2) Any electronic billboard permitted by the municipality shall not exceed a maximum size of 18m² and a maximum height of 7.5m
- (3) An electronic billboard must be displayed in such a manner as to be oriented towards such intersection.
- (4) No one may erect an electronic billboard in a visual zone in an area other than in the municipal jurisdiction area of partial or minimum control.
- (5) Only 1 (one) electrical connection will be allowed to an Erf and application for an electrical connection must be made at the Electrical SBU.
- (6) All Advertising Boards must be approved by a Structural Engineering.

- (7) All clearances must be in accordance with the provisions of the Occupational Health and Safety Act 85 of 1993 ("Act 85 of 1993") as amended.
- (8) No electricity will be made alive before it was tested by the Municipality's inspector.
- (9) An Accredited Electrician must issue an Electrical Certificate of Compliance ("ECOC") and must be registered with relevant body.
- (10) An electrical works must comply with the provisions of Act 85 of 1993 as amended as well as Electricity Regulations Act 4 of 2006 as amended.

10. Gantry Billboards

- (1) No person may erect a gantry billboard or use or continue to use a gantry billboard or any structure as an advertising sign without first obtaining the prior written approval of the Municipality on both private property (ies) and Municipality owned land.
- (2) Gantry billboards shall be between 18 m² and 81 m² in area of sign, fixed to an overhead two to six-footed structure (gantry), usually spanning a road.
- (3) Gantry billboards shall be permitted only in areas of minimum control.
- (4) The advertising structure shall not exceed a maximum height of 10m.
- (5) The clear height of the advertising structure shall be not less than 6m.

- (6) Gantry billboard shall be displayed perpendicular to the direction of oncoming traffic.
- (7) No gantry billboards shall be allowed within a radius of 100m from the centre of an intersection on an arterial road.
- (8) Internal and external illumination may be allowed.
- (9) Animation may be allowed.
- (10) Gantry billboards shall be placed on a base, which has been designed and erected to the satisfaction of the Municipality.

11. Super Billboards

- (1) No person may erect a super billboard or use or continue to use a super billboard or any structure as an advertising sign without first obtaining the prior written approval of the Municipality on both private property (ies) and Municipality owned land.
- (2) Super billboards shall be between 36 m² and 81 m² in area of sign, fixed to a single or double pole-mounted structure.
- (3) Super billboards shall be permitted only in areas of minimum control.
- (4) The advertising structure shall not exceed a maximum height of 10m, calculated from the level of the road surface next to the sign (e.g. road0over-rail sites where more ground clearance is normally required to display the sign effectively, yet to remain within 10m total height restriction from the road level).
- (5) No super billboard shall be permitted within a radius of 100m from the centre of an intersection on an arterial road and within 50m from the centre of an intersection of any lower order road.

- (6) Super billboards shall be displayed perpendicular to direction of the oncoming traffic.
- (7) Internal and external illumination shall be allowed.
- (8) Animation may be allowed.
- (9) Super billboards shall be placed on a base, which has been designed and erected to the satisfaction of the Municipality with the approval of an Engineer.

12. Advertisements on Streets Furniture

- (1) Street furniture signs shall not be placed so as to obstruct pedestrian movement.
- (2) Street furniture signs shall require the specific consent of the Municipality.
- (3) Street furniture signs may be illuminated but not animated.
- (4) Street furniture signs may not be displayed on a road median. Street furniture may be displayed on road islands, as per municipal approval.
- (5) A single face of a sign on street furniture shall not exceed 2 m² in area of sign.
- (6) Street furniture signs may be used for commercial advertising.

13. Exempt Advertising Signs and Advertisements

- (1) The following advertising signs and advertisements are exempt from the provisions of these By-laws:
 - (a) An advertising sign when situated in an arcade;
 - (b) an advertising sign when advertising a current event in a cinema, theatre or other place of public entertainment, displayed in a fixture or on a building intended for such display;
 - (c) (i) an advertising sign on a property 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 on which the activity concerned is described and the name of any architect, contractor or consultant concerned in such activity is displayed and the branch of the industry or the profession involved is specified, provided—
 - (aa) only one such sign, or set of signs is permitted per street frontage of a property; and
 - (bb) such sign is placed on or affixed to the building concerned or attached to the boundary wall or fence of the property on which the activity is taking place; and
 - (cc) such sign is removed within 21 (twenty-one) days of the completion of the activities contemplated in this paragraph;
 - (ii) an advertising sign contemplated in this paragraph may not exceed –

- (aa) 8m² in extent and with a maximum erected height of 6m, if the names of architects, consultants and contractors or all of them are displayed; or
 - (bb) 2m² in extent if the names of the contractor, sub-contractor, or both of them, are displayed.
- (c) in an area of maximum control as specified in Schedule 1, an advertisement consisting of one metal plate or board not exceeding 600mm x 450mm in size, displaying the name, address and telephone number of a security company contracted to protect a property and firmly affixed to the boundary wall, fence or gate on the street of the property concerned;
- (d) a single advertisement not exceeding 600mm x 450mm in size on any street boundary of a property or portion of a property on which the existence of a security service or burglar alarm system is displayed;
- (e) not exceeding 2m² in extent attached to a boundary wall or fence of a property on which the existence of a security company or protection service conducted on that property is displayed;
- (f) a transit advertising sign which is mobile at all times when an advertisement is displayed;
- (g) an advertising sign containing only the name of a hotel shop or restaurant and displayed on an awning of the building concerned; and
- (i) an on-premises advertising sign comprising–
 - (aa) any non-illuminated advertising sign not projecting over a public street and not exceeding 8m² in extent displaying the trade, business, industry or profession conducted by any occupant or resident of the building to which such sign is attached,

and the name of such occupant and resident, the address and telephone number of the occupant and resident and the hours of business; provided only one such sign per occupant or resident is displayed; and

(bb) any advertising sign not exceeding 12m² in extent, incorporated in the face of a building and a sign forming an integral part of the fabric of a building, not on or attached to the building in any manner.

(h) any advertising sign(s) which is a Municipality approved initiative which is deemed to be in the public interest or which is deemed to be of local, Provincial or National interest.

(2) The following advertising signs and advertisements are exempt from compliance with the provisions of section 3 but must comply with any other applicable provision of these By-laws

(a) Any advertisements not in conflict with any provision of these By- laws displayed on an advertising sign approved in terms of section 4(2);

(b) any advertising sign and advertisements displayed at or on public transport shelters and stations forming part of the current bus system routes and future bus system routes (Bus Rapid Transport);

(c) a poster relating to voter registration for the purposes of an election displayed by the Independent Electoral Commission in terms of section 41;

(d) a poster advising of a national, provincial government or local government event or activity, subject to compliance with section 40;

- (e) a poster advising of an event, activity, function or meeting organised by a registered political party, subject to compliance with section 40;
 - (f) an advertising sign provided for in terms of sections 10, 11, 12, 15(1), 18, 19, 20(1) and 23, and complying with the applicable requirements of those sections.
 - (g) An advertising sign not exceeding 2 square metres indicating the existence of a Block or Neighbourhood Watch System, Community board, displayed on a boundary wall or fence or in a position approved by the Municipality.
 - (h) An advertising sign for hawkers once a permit has been issued in terms of the relevant by-laws which is limited to two signs per hawker and which must be removed daily at close of business of such hawker.
- (2) Any advertising sign referred to in subsection (2) which does not comply with any provision of these By-laws relating to such sign, may only be erected or displayed after approval of an application in terms of section 4(2).

14. 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 projects above or below a fascia, bearer, beam or balustrade of a veranda or balcony fronting on a public street;
 - (c) which is luminous or illuminated and which is attached to a 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 section 19 or 20;
 - (ii) it consists of a flexible face and forms part of an advertising sign approved in terms of section 4(2);
 - (e) which is a 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 their 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 to any religious or cultural group;
 - (i) which obstructs any window or opening in a building provided for the ventilation of that 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 of a building to another part thereof;
 - (j) which is an animated or flashing advertising sign, the frequency of the animations or flashes or other intermittent alternations of which may disturb the residents or occupants of a building or is a source of nuisance to the public or detrimentally affect or pose a risk or threat to road traffic or pedestrian safety;

- (k) which is an illuminated advertising sign, the level of illumination of which disturbs the residents or occupants of a building or is a source of nuisance to the public or a portion of the public;
- (l) which is a movable either temporary or permanent advertising sign, other than those allowed in terms of these By-laws;
- (m) if the extent of the advertising sign exceeds 30m² and it is painted or fixed on a wall of a building other than a front wall of that building, unless such sign has been permitted in terms of section 14(3);
- (n) which is painted on or attached to a boundary wall or fence which wall or fence has not been approved as an advertising sign in terms of section 4(2);
- (o) which is a transit advertising sign and parked in or in view of any public place irrespective of whether it is attached to a vehicle or not;
- (p) which is attached to a road traffic sign or a tree.
- (q) which is on a road island, excluding street light pole advertising signs;
- (r) which is attached to a security access control structure to any area property or building;
- (s) which is a flag displaying a third-party advertisement on a property zoned for residential purposes in terms of an applicable town planning scheme and used for such purposes;
- (t) subject to section 16(1), on a property where the main land use is residential in nature;
- (u) which is a gantry which is suspended or extended across a public street;
- (v) which is a painted third-party advertising sign onto the roof of any building;

- (w) any motorway or on or within any on- or off-ramps of motorways whether local, Provincial or National motorways.
- (x) against any telecommunication/cell mast or what is deemed to be infrastructure pylons.

CHAPTER 4: PROVISIONS RELATING TO SPECIFIC ADVERTISING

SIGNS

15. Signs suspended under verandas or canopies

- (1) Any advertising sign which is suspended under a veranda or a canopy, must comply with the following requirements:
 - (a) Unless otherwise permitted by an approval in terms of section 4(2), such sign must be fixed with its face at right angles to a boundary of a public street on which the property concerned fronts;
 - (b) no part of such sign may project beyond the outer edge of the veranda or canopy from which it is suspended;
 - (c) such sign must have a clear height of at least 2,75m;
 - (d) the top of such sign may not be more than 1m below the canopy or veranda from which it is suspended or more than exceed 1m in thickness;
 - (e) unless otherwise permitted by an approval in terms of section 4(2), the bottom edge of such sign when suspended must be horizontal and the supports by means of which it is suspended must be an integral part of the design of such sign.

16. Signs on verandas or canopies over public streets

- (1) Any advertising sign affixed to or onto a veranda or canopy which extends over a public street—
 - (a) must be set parallel to the building line on the property concerned;
 - (b) may not exceed 600mm in vertical dimension; and
 - (c) must be attached immediately above the eaves of a veranda or canopy roof in such a manner that it does not project beyond the rear of the roof gutter or must be fixed against but not extending above or below the veranda parapet or balustrade in such manner that it projects more than 230mm from the outside face of such parapet or balustrade

- (2) An advertising sign on a building in which public entertainment is presented, attached to a veranda or canopy extending over a public street and which displays only the features or programmes of the entertainment to be presented in such building, may not exceed –
 - (a) an area of 1m² in the aggregate for every 1.5m or part thereof of the frontage of such building on the public street over which such sign is erected; and
 - (b) 1.2m in height.

- (3) Nothing in this section prohibits the painting of an advertisement on or the display of advertisement not exceeding 600mm in thickness on a beam over a veranda column or on a parapet of a veranda contemplated in subsection (1).

17. Advertisements for Educational Institutions

- (1) No person may erect a free-standing advertisement at an educational institution without first obtaining prior written approval of the Municipality.
- (2) A free-standing sign at educational facilities and at institutions may indicate the name and nature of the facility or institution and the name of a sponsor/s.
- (3) A maximum total sign area of 36m² is allowed, provided that this area may be divided into panels of equal size, form and construction incorporated into one individual combination free-standing sign.
- (4) Only one individual free-standing sign/ structure shall be permitted per vehicle entrance.
- (5) Illumination of free-standing signs at educational facilities and at institutions will only be allowed with the specific consent of the municipality.
- (6) Free-standing signs at educational facilities and at institutions shall not, in the discretion of the municipality, in any way detrimentally affect the residential character and amenity of the neighbourhood or nay other amenities of the area and/or the surroundings.
- (7) A maximum of two communal structures per school property, with a maximum area of 18m² each, or a total maximum of 36m² advertisement space per school property will be permitted.
- (8) Where a school is established over more than one property, the "school property" is defined as a property that is separated from the other "school property" of which it forms an entity, by means of a public road.

18. Projecting signs

- (1) Any projecting sign must be set at right angles to the building line and must maintain a clear height of not less than 2,75m.
- (2) Subject to the provisions of subsection (3), no sign contemplated in subsection (1) may either exceed 600mm in height, 300mm in thickness nor project more than 900mm from the building to which it is attached.
- (3) A projecting sign larger than that specified in subsection (2) may be erected, subject to compliance with the following requirements:
 - (a) Such sign must be constructed of metal framing and covered with metal sheeting;
 - (b) such sign may not exceed 9m in height or project more than 1.5m from the building concerned, or in the case of a sign consisting only of the name of a building used for the public, 14m in height or project more than 1.8m from the building concerned;
 - (c) such sign must be supported by at least four iron brackets firmly fixed to the building concerned, any two of which must be capable of carrying the entire mass of the sign; and
 - (d) such sign must be adequately protected from wind pressure by the use of effective braces and stays.

19. Pylon signs for on-premises advertising

- (1) For the purposes of this section “pylon” includes any pylon, mast, tower or similar structure to which an advertising sign is attached, supported by or displayed on or which is constructed

as an advertising sign or a combination of such signs, for the purpose of on-premises advertising.

- (2) Any pylon must be independently supported and for that purpose it must be firmly secured to an adequate foundation in the ground and be entirely self-supporting without the aid of guys, stays, brackets or any other restraining device.
- (3). The dimensions of a pylon and its associated advertising sign must be such that the entire assembly, whether stationary or actuated, can be contained within a notional vertical cylindrical figure having a diameter of 9m and a height of 12m.
- (4) No activated or protruding part of a pylon sign or of an advertising sign associated with it may be less than 2.4m above the highest point of the existing ground level immediately below that pylon.
- (5) No free-standing advertising sign as contemplated in subsection (1) shall have a single advertising display exceeding 18m² and 24m² for a combination of such signs.

20. Advertising signs placed flat on buildings or painted on a wall of a building and on bridges

- (1) The total area of an advertising sign placed flat or painted on a wall of a building may not exceed 20m² for every 15m of the frontage of the building concerned facing a public street.
- (2) (a) No on-premises advertising sign contemplated in subsection (1), may exceed 40m² in extent in an area of partial control, and 80m² in an area of minimum control.

(b) No third party advertising sign contemplated in subsection (1) may exceed 80m² in an area of partial control, and 200m² in an area of minimum control.

- (3) Notwithstanding the provisions of subsection (2)(b), it may in an approval in terms of section 4(2) be permitted or required that the dimensions of any such sign be greater than those specified in that subsection, if-
- (a) it is in the interests of the aesthetic appearance of a building or wall on which an advertising sign is placed as contemplated in subsection (1), and of the neighbourhood where such building or wall is situated, if the building or wall is situated in appropriate areas of minimum control;
 - (b) it is in the Inner Municipality, as indicated in the Municipality's Spatial Development Framework, of the area of jurisdiction of the Municipality where an urban renewal programme on the said building or area concerned as determined by Municipality, is being undertaken and the approval of such sign in terms of section 4(2) is subject to an annual prescribed financial contribution to be utilised for an Inner-Municipality Renewal project.
- (4) No advertising sign attached to a bridge, irrespective of its ownership, may exceed 30m² in extent in an area of partial control, or 45m² in extent in an area of minimum control, and must have the prior written approval of the relevant authority.

21. Signs relating to the development of townships and properties

- (1) An advertising sign exempted in terms of section 13(2) and relating to the development of a township or property and the disposal of property in a township may be displayed, provided the following requirements are complied with:
- (a) If such advertising sign relates to the laying out or development of any land as a township or for the disposal of any erven in a township or a property development –

- (i) it may not be erected prior to the land-use rights being promulgated in terms of the Townships and Town-planning Ordinance 1986 (Ordinance 15 of 1986) or any other applicable law; and
 - (ii) may not exceed 40m² in an area of partial control and 80 m² in an area of minimum control and an extent or an erected height of 12m;
 - (b) such advertising sign must be located on the site of the proposed township or property development; and
 - (c) any such advertising sign must be removed within 90 **(ninety)** days of a development being completed or in respect of a property for sale or to let, within seven days after the sale or letting concerned.
- (2) If an advertising sign contemplated in this section does not comply with subsection (1), an application for approval of such sign must be made in terms of section 3(3).

22. Requirements for Sky Signs

- (1) Notwithstanding section 14(t), a sky sign may be erected on a building where the main use is residential or which is used as a residential building as long as the sign has no visual impact on the occupants of the building itself or any other building in the immediate area which is used for residential purposes or as a residential building.
- (2) Two or more sky signs placed one above the other, whether or not in the same vertical plane, are for the purposes of this section, deemed to be one such sign.
- (3) In an area of minimum or partial control as specified in Schedule 1 to these By-laws, every sky sign must be set against a screen complying with the requirements of section (22) and (23).

- (4) No part of a sky sign may protrude beyond, above or below the edge of the screen required in terms of subsection (2).
- (5) No sky sign may exceed 500m² in extent: Provided that the Municipality may for a third-party advertising sign allow a greater extent.
- (6) If the number of storeys contained in that part of a building which is directly below a sky sign is –
 - (a) one to five storeys; or
 - (b) six or more storeys,

the vertical dimension of such sign may not exceed 3,0m and 5,0m respectively Provided that the Municipality may in terms of section 4(2) approve a third-party advertising sign which is a sky sign with a greater dimension.

23. Screens for Sky Signs

- (1) Every screen for a sky sign contemplated in section 22 must comply with the following requirements:
 - (a) Every screen must be located and constructed to form a continuous enclosure effectively concealing the frame and the structural components of any sky sign from view, and, if it is required or allowed in an approval in terms of section 4(2) –
 - (i) such screen and structural component must be screened from any adjacent or other property;
 - (ii) the provisions of paragraph (a) requiring a continuous enclosure may be relaxed if the walls of any building on a property contemplated in

sub-paragraph (i) are of a height and construction that such walls will effectively conceal such frame and structural components and do not contain openings overlooking them.

- (b) unless the Municipality otherwise allows, no part of a screen may protrude beyond the perimeter of the building on which it is constructed;
- (c) the gap between the bottom of a screen and that part of the building immediately below it may not exceed 100mm;
- (d) no vertical dimension of any screen may exceed one-and-one-half times the vertical dimension of a sky sign specified in section 16(5) provided that if the screen also encloses a lift motor room, tank or other structure on the roof of the building concerned, the vertical dimension of the screen may be increased to the same height as such room, tank or structure; and
- (e) if the material of which the screen is made has an open mesh or grid formation –
 - (i) the openings in such mesh or grid must be uniform; and
 - (ii) the aggregate area of the openings may not exceed 25% of the area of the screen; and
 - (iii) no dimension of any such opening may exceed 100 mm provided that the Municipality may allow the erection of a screen not complying with this paragraph, if the requirement of concealment in terms of paragraph (a) is met.

24. Advertising signs depicting name, profession or occupation at residential buildings, dwelling houses and dwelling units

- (1) An advertising sign not exceeding 2m² specifying the name, profession or occupation of an occupant of the residential building, dwelling house or dwelling unit may be displayed by attaching the signs to a boundary wall or fence at or against the entrance door of such a residential building, dwelling house or dwelling unit.

- (2) The following advertising signs exempted in terms of section 13(2), may, without the approval of the Municipality, be displayed on a residential building, dwelling house or dwelling unit where applicable, subject to the following requirements:
 - (a) A single sign not exceeding 600mm by 450mm displaying the name only of a residential building; and

 - (b) a sign not exceeding 600mm x 450mm displaying the name of the person owning or managing a residential building, such person's logo and telephone number, provided such sign –
 - (i) is attached to or built into a wall or the building or a freestanding wall or boundary wall or fence or a freestanding pole on the property concerned;

 - (ii) is not illuminated; and

 - (iii) is limited to one of each sign referred to in paragraph (a) and (b), per street frontage of the property concerned; and

 - (c) a sign not exceeding 2m² specifying the name and profession or occupation of an occupant of the property concerned attached to a boundary wall or fence, or the entrance door of a dwelling house or dwelling unit.

25. Roof Signs

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

Height of sign above the ground	Maximum area of sign
<6m	2m ²
6m < 9m	4m ²
9m < 12m	8m ²
12m < 18m	12m ²
18m+	18m ²

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

- (8) A roof sign shall not extend beyond the roof of the building in any direction.

26. Sun-blind advertisements

- (1) An advertisement on any sun-blind exempted in terms of section 13(2), may be displayed without the approval of the Municipality, subject to compliance with the following requirements:
 - (a) A sun-blind must be so made and attached to a building that it is incapable of being lowered to a height lower than 2m above the footway or pavement of a public street;
 - (b) except at an intersection, a sun-blind must be placed parallel to the building line of the property concerned; and
 - (c) at any intersection a sun-blind must be placed so that it does not cause any interference with or endanger vehicular or pedestrian traffic, or a traffic sign, street nameplate or other notice for the guidance or information of the public.

27. Advertisements on banners, flags and similar objects

- (1) An advertisement exempted in terms of section 13(2) on any banner, streamer, flag, paper, paper machete, plastic sheet or other similar pliable material or on calico or other woven material may only be displayed for the following purposes:
 - (a) Advertising a function or event conducted for religious, educational, social, welfare, animal welfare, sporting, civic or cultural purposes, or a function or event relating to an election; and

- (2) the display of the name, corporate symbol and nature of any enterprise.
- (3) Every person to whom approval has been granted in terms of section 4(2) in respect of an advertisement contemplated in subsection (1), but not exempted in terms of Section 13(2), must comply with and ensure that the following requirements are complied with:
 - (a) Not more than two advertisements in respect of the same matter are permitted in an urban or rural area of maximum control or four banners or flags in respect of the same matter in an urban area of partial and minimum control as contemplated in Schedule 1;
 - (b) a maximum of ten banners or flags may be displayed at any shopping centre;
 - (c) every advertisement must be attached to a pole or suspended between poles or other supports on the property upon which the activity contemplated in subsection (1)(a) is to take place; and
 - (d) no advertisement may be displayed for more than seven days prior to the date of the activity advertised and must be removed within three days after the conclusion thereof.

28. Advertisements on blimps

- (1) A blimp containing an advertisement may, subject to the approval of the Municipality in terms of section 4(2), be used for a period not exceeding 24 (twenty-four) months and may be airborne during daylight hours only.
- (2) The Municipality must, for the purposes of considering an application for approval in terms of section 3 of an advertisement to be displayed on a blimp, have regard to –

- (a) the period during which the blimp will be used;
- (b) the size of the blimp;
- (c) the strength of the anchorage and the anchoring cable;
- (d) the provision of a device by means of which the blimp will automatically so deflate as to sink slowly to the ground in the event of the failure or severance of the blimp from its anchorage or anchoring cable;
- (e) the possibility of interference with pedestrian or vehicular traffic;
- (f) any requirement or condition prescribed by the Department of Civil Aviation, including the maximum height to which the blimp must be restricted; and
- (g) the location of the blimp.

29. Suburban Advertisements

- (1) No suburban advertisement shall be erected or displayed or used or continue to be used as an advertising sign without first obtaining the prior written approval of the Municipality on both private property (ies) and Municipality owned land, subject to such conditions, as the Municipality may deem expedient.
- (2) A suburban advertisement must be rectangular, and must be not more than 0,4 metres in height and not wider than the suburb name sign. It must be less conspicuous than the suburb name sign.
- (3) A suburban advertisement may not bear colours that may cause confusion with road traffic signs and may not be illuminated or animated.

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

30. Painted advertisements

- (1) Subject to the approval of the Municipality in terms of section 4(2) –
 - (a) the name of any person carrying on business in a building may be painted directly on a wall of that building;
 - (b) a third-party advertisement may be painted directly onto any surface, subject to section 30.

31. Advertising signs relating to selling and letting of property

- (1) Any of the following advertising signs relating to the letting or selling of property, may be displayed without the approval of Municipality;
 - (a) A sign not exceeding 600mm x 450mm in size containing the words “for sale” “to let” or “sold” in respect of a dwelling house or residential building and displaying only the name, address and telephone number of the owner of the property or his or her estate agent, must be –
 - (i) placed on or attached to the building concerned;
 - (ii) attached parallel to a boundary fence or wall of the property concerned;
 - (iii) otherwise displayed within the boundaries of the property concerned;

- (iv) on that part of a public street, other than the roadway, on which the property concerned fronts and directly in front of such property and subject to it not obstructing any pedestrian traffic; and
 - (v) limited, if an estate agent is involved, to one sign per estate agent per property;
- (b) a single sign per street frontage of a property not exceeding 600mm x 450mm in size, which contains only the word “sold” and the name address and telephone number of the estate agent concerned, in respect of any dwelling house, or residential building, and which –
- (i) is displayed only after every sign specified in paragraph (a) has been removed;
 - (ii) is placed, attached or displayed as specified in paragraph (a)(i), (ii) or (iii);
- (c) a single sign not exceeding 6m² in extent per building flat on the façade of a non-residential building which contains only the words “for sale”, “to let” or “sold” and the name, address and telephone number of the owner or his or her estate agent, or only the word “sold” and the said particulars of the estate agent, for a period not exceeding 90 days;
- (d) (i) a sign not exceeding 600mm x 450mm in size, displayed on a vacant residential property, which displays only the words “for sale” and the name, address and telephone number of the owner or his or her estate agent concerned, or only the word “sold” and the name address and telephone number of that agent;
- (ii) a for sale sign must be limited to one sign per estate agent and may be displayed for a period not exceeding 90 days; and

- (e) a single sign not exceeding 8m² in extent per property, on a vacant non- residential property, on which the words “for sale” or “to let” and the name, address and telephone number of the owner or his or her estate agent are displayed or the word “sold” and the name, address and telephone number of the estate agent concerned, may be displayed for a period of not exceeding 90 days;
- (2) Not more than 8 (eight) directional signs and only on show days indicating the position of a property for sale or to let may be displayed by an estate agent and “show days” shall mean on Saturdays and Sundays only between the hours of 08h00 and 17H00 and signs shall be removed daily at the conclusion of such show day.

32. Other temporary advertising signs

- (1) Any directional sign displayed by the Automobile Association of Southern Africa advertising an event may be displayed without approval contemplated in section 3(1).
- (2) Any advertising sign not exceeding 8m² in extent and not more than 3m above the ground level immediately below it, containing an advertisement relating to a sale in execution consequent upon the decision of a Court of Law or an auction or a sale by a liquidator or a trustee in an insolvent estate to be held on or relating to a property, may be displayed on that property for not more than 10 (ten) days before the sale or auction, or for more than 4 (four) days after the conclusion of the sale or auction.
- (3) The Municipality may approve temporary advertising on property owned by, vested in or controlled by it for a period not exceeding 120 days.

33. Development and Project Advertisements

- (1) No person may erect a development advertisement / project board without first obtaining prior written approval of the Municipality.
- (2) a development advertisement board must be approved by the relevant developer or employee, and may display only:-
 - (a) a description of the building or structure being erected or other work or activity being carried out;
 - (b) a description of the development being carried out;
 - (c) where relevant, details of the name, address and telephone number of the developer or the agent of the developer;
- (3) only one freestanding advertisement describing the type of development shall be allowed. No person may erect such an advertisement without first obtaining written approval of the municipality.
- (4) an advertisement describing a type of development may not exceed three metres in height. It may not exceed 6.0 m² in area of advertisement in an area of maximum control and 12m² in any other area.
- (5) Development advertisement may be illuminated but not animated.
- (6) a development advertisement may only be displayed for a maximum period of one year after the date of approval of such development, after written approval of the municipality has been obtained.

34. Security Advertisements

- (1) A security advertisement must refer only to the existence and operation of a commercial security services, burglar alarm system, neighbourhood watch, farm watch or similar system or

scheme and may only be displayed on the premises where such security service is rendered.

- (2) A security advertisement may not exceed 0,35m² in area of advertisement, except a farm advertisement, which may not exceed 1,5m² in area of advertisement. All such advertisements may not exceed a height of three metres above ground level.
- (3) In the municipal area, only one security advertisement per street boundary of the premises on which such security service is rendered may be erected and must be firmly affixed to the building, boundary wall, fence or gate on the street frontage or within the boundaries of the erf.
- (4) A security advertisement on a farm may be displayed at the intersection of a national road or provincial road with a private access road or at the entrance property. Only one advertisement per farm or holding shall be allowed. The advertisement may be erected within a road reserve other than a freeway, but not on a road-island or median.
- (5) A security advertisement may not be illuminated or animated.

35. Product replicas and three-Dimensional Advertisements

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

36. Advertisements for Sale of Goods or Livestock

- (1) Only one advertisement for sale of goods or livestock per sale shall be allowed.
- (2) The size of such an advertisement may not exceed two square metres in a natural or rural area or an urban area of maximum or partial control, and 2,8m² in an urban area of minimum control, and no part of the advertisement shall be higher than three metres above the ground.
- (3) Such an advertisement may be displayed only on the premises or property where the advertised sale is to take place, or be attached to the boundary fenced of such a property or premises.
- (4) No illumination or animation of such an advertisement shall be allowed.
- (5) Such an advertisement may be erected no earlier than one day before the sale in question and must be removed not later than one day after such sale, and advertisements of a permanent nature are not allowed.

37. Advertisements on construction sites

- (1) The Municipality must, for the purposes of considering an application in terms of section 3(3) for an advertisement to be displayed on the boundary or fence of or scaffolding on a construction site for a period set out in the building schedule but not exceeding 12 (twelve) months, or such time as may be granted by the Municipality or 3 (three) months after occupation certificate issued by the Municipality, have regard to the following considerations:
 - (a) The zoning of the property concerned in terms of an applicable town planning scheme and the general

ambience of the area where the proposed sign is to be displayed;

- (b) the aesthetic effect of the sign on the amenity of the area concerned and its surroundings;
- (c) the area of control set out in Schedule 1, applicable to the property concerned and its surroundings; and
- (d) the distance of the proposed sign from every other approved and existing advertising sign within a radius of 200m.

(2) An advertisement specified in subsection (1) is only allowed in an urban area of partial or minimum control and

- (a) may only be permitted on scaffolding which is against a building under construction or on a hoarding, fence or wall on the boundary of a construction site which has been erected to enclose that site during construction;
- (b) may only be erected if it will conceal an unsightly condition arising out of the use to which the property concerned is put and if such sign will make a positive contribution to the visual environment; and
- (c) may not be placed on the top of a boundary fence or wall unless it is positioned so that there is no gap between the advertisement and the wall or fence.

38. Transit advertising

- (1) A transit advertising sign containing an advertisement is exempted in terms of section 13 if it is mobile at all times not specifically parked for purposes of advertising;

- (2) An owner of a transit advertising sign who wishes to park such transit advertising sign for purposes of advertising at a specific location and for a specific period, shall be subject to an application as envisaged in section 3(3) above.
- (3) For purpose of subsection (2) above, the Municipality shall identify pre-determined sites within the jurisdiction of the Municipality which sites will then be available for transit advertising purposes upon application, provided that no transit advertising sign shall be parked for purposes of advertising on any other site not so determined by the Municipality.
- (4) Upon approval of an application for a transit advertising sign, it shall be subject to any condition the Municipality may deem fit, including the period of approval, and a disc will be issued by the Municipality which must be displayed at all times on the transit advertising sign itself or shall be produced by the owner of the sign upon request by an authorised official;
- (5) If a transit advertising sign is used in contravention of subsections (1), (2), (3) and/or (4) above or any other provision of these By-laws, an authorised official may, without prior notice, remove and impound such transit advertising sign without a court order.
- (6) Any transit advertising sign impounded in terms of subsection (5) above, must be kept by the Municipality for a period of 60 days from the date of impoundment and an authorised official must in writing notify the owner of such sign of the impoundment if the address of the owner can be ascertained.
- (7) An owner of a transit advertising sign impounded in terms of subsection (5) above may claim such sign within the period specified in subsection (6) subject to payment of a prescribed fee.
- (8) The Municipality may if an advertising sign is not claimed by its owner within the period of 60 (sixty) days referred to in subsection (6) destroy or otherwise dispose of the advertising sign concerned.

- (9) The Municipality may recover the prescribed fee from any owner who has not claimed his or her transit advertising sign in terms of subsection (7).

39. Aerial advertisement

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

CHAPTER 5: POSTERS

40. Approval of posters

- (1) No person may, except for newspaper posters and subject to the provisions of section 40, display any poster in, or in view of, any public place unless he or she has first obtained the written approval of the Municipality.
- (2) Approval in terms of subsection (1) may only be given for the display of a poster which does not relate to third party advertising.

- (3) Application for approval contemplated in subsection (1) 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 the application relates;
 - (d) an example of the frame in which the posters will be displayed.
- (4) Every poster for which permission is granted as contemplated in subsection (1) must be provided with a sticker supplied by the Municipality and only a poster with such sticker may be displayed
- (5) The Municipality may to retain one poster to which an application in terms of subsection (3) relates for identification purposes.
- (6) Any person who displays a poster, for which approval has been granted as contemplated in subsection (1), must comply with and ensure that the following requirements are complied with:
- (a) No poster may be displayed that it has a clear height lower than 2.1m or higher than 3m;
 - (b) no poster may be indecent or suggestive of indecency, prejudicial to public morals or reasonably objectionable;
 - (c) no poster may be displayed on any motorway and on any on- and off-ramp relating to a motorway; whether a local, provincial or national motorway;

- (d)
 - (i) every poster other than a poster contemplated in section 40 must be displayed in a frame and in a location approved by the Municipality;
 - (ii) a frame referred to in sub-paragraph (i) may not exceed–
 - (aa) 600mm in height x 450mm in width in respect of any poster displaying a newspaper headline; and
 - (bb) 900mm in height x 600mm in width in respect of any other poster;
- (e) a poster with a frame contemplated in paragraph (d) may only be attached to an electric pole in a public place and only one single frame per pole;
- (f) a frame referred to in paragraph (e) must –
 - (i) be secured in such a manner that it will not become wholly or partially dislodged by wind or any other means; and
 - (ii) positioned in such a manner that it does not obscure or interfere with the electrical inspection chamber or pole identification number of the pole to which it is attached; and
 - (iii) not impair the safety of motorists or pedestrians.
- (g) no poster may be displayed within 20m of an intersection, controlled by a road traffic sign;
- (h) no poster relating to a meeting, function or event, other than a national election or relating to the registration of

voters, may be displayed for a period exceeding ten days before the date on which such meeting, function or event commences or longer than four days after the date on which it ends;

- (i) 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.
 - (j) no poster may be displayed for a period exceeding 28 consecutive days for any event advertised; and
 - (k) no poster may be affixed by means of adhesive directly onto any surface of any private or Municipality property or asset.
- (7) Subject to approval contemplated in subsection (1), 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 in execution or a sale held by a liquidator or a trustee in an insolvent estate, may be displayed and must contain –
- (a) in the case of a sale in execution the relevant case number; or in the case of a sale by a liquidator or a trustee the reference number of the Master of the High Court.
- (8)
- (a) An authorised official may, without giving notice to anyone, remove any poster displayed without approval having been obtained in terms of subsection (1) or which is in conflict with any provision of these By-laws.
 - (b) Any poster removed in terms of paragraph (a), other than a poster which had to be damaged or destroyed in order to remove it, may be claimed by its owner within 21 days of its removal, and if not so claimed may be destroyed by an authorised official.

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

41. Posters relating to election or voter registration

- (1) The following requirements 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 a manner that it will not become wholly or partially dislodged 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 be less than 600mm in height x 450mm in width;
 - (c) a board and poster referred to in paragraph (a) may only be secured to an electric light pole;
 - (d) a poster relating to –
 - (i) a candidate nominated for election may be displayed from the date of such nomination;
 - (ii) an election other than a poster referred to in paragraph (a), or voter registration, may be displayed from the date –

- (aa) 14 (fourteen) days prior to the date of the proclamation in the Government or Provincial Gazette of the election or voter registration; or
 - (bb) if applicable, 14 (fourteen) days prior to the date of nomination of candidates, whichever date is earlier;
 - (e) any poster contemplated in this section, must be removed by the person displaying it within 5 (five) days after conclusion of the election or voter registration, failing which, the Municipality shall within 10 (ten) days after the conclusion of the election or voter registration notify the relevant party to remove the posters within a time period specified, failing which, the Municipality may remove the posters itself against a prescribed fee per poster payable by the relevant party.
- (2) (a) The provisions of section 27(6)(a), (b), (c), (e) (f) and (g), read with the necessary changes, apply in respect of any poster contemplated in this section, provided that such poster need not be placed in a frame.
- (3) The provisions of section 27(8) read with the necessary changes apply in respect of posters not complying with the provisions of this section.

CHAPTER 6: MISCELLANEOUS

42. Maintenance and removal of advertising signs

- (1) (a) The owner of the property and the owner of the advertising sign are responsible for maintaining an advertising sign and the surrounding area so that it does not become unsightly or deteriorate to such a degree that it is in conflict with any provision of these By-laws.

- (b) The owners contemplated in paragraph (a), must carry out at least one annual inspection of an advertising sign with a view to satisfying himself or herself that it has been properly maintained as contemplated in paragraph (a) and forthwith carry out any necessary maintenance resultant upon such inspection.
 - (c) The owners contemplated in paragraph (a), must keep a written record of any inspection made and maintenance carried out in terms of paragraph (b), must retain such record for a period of five years and must, on request by an authorised official, make such record available for perusal.
- (2) If, in the opinion of an authorised official, any advertising sign is in a dangerous or unsafe condition or has been allowed to fall into a state of disrepair or is in conflict with any requirement of these By-laws, he or she may serve a notice on the owner of such sign and owner of the property requiring him or her, at his or her own cost, to remove the advertising sign or take other steps relating to the maintenance specified in the notice, within a period so specified, failing which, such authorised official may take such steps necessary to remove such advertising sign, which shall include the removal of such sign without a court order if the sign has been erected on Municipality owned property, on property that vests in the Municipality in terms of any applicable legislation or on any public place.
- (3) If an authorised official is of the opinion that any advertising sign constitutes an imminent danger to any person or property, he or she may without serving a notice in terms of section (2), or if such a notice has been served but not complied with within the period specified therein, he or she may remove that advertising sign or take other steps which he or she may consider necessary without obtaining a court order.
- (4) Notwithstanding the powers vested in subsection (2) above and after failure by the owners to comply with the notice envisaged in subsection (2) above, if an advertising sign is in contravention of any provision of this By-law, the sign will be deemed illegal and an authorised official may mark the advertising sign as illegal by pasting the words “illegal sign”

over the entire advertisement rendering the advertisement null and void.

- (5) (a) If at any time, no advertisement is displayed on an advertising hoarding, the Municipality may serve a written notice on the owner of that hoarding requiring him or her at his or her own cost, to display an advertisement on that hoarding within a period so specified
- (b) If a notice served in terms of subsection (1) is not complied with, the Municipality may, by notice in writing, require the owner of the advertising hoarding at his or her own cost to display a community message specified by the Municipality, until that owner displays an advertisement on the hoarding concerned.
- (c) The approval for an advertising hoarding in terms of these By-laws lapses if the owner on whom a notice has been served in terms of paragraph (b) fails to comply with the requirements of the notice within the period specified therein.

43. Costs of removal and storage

- (1) The cost incurred by the Municipality for the removal and storage of an advertising sign, other than a poster, and other costs incurred by the Municipality as contemplated in section 41, may be recovered from the owner of that advertising sign or the owner of the property or any other person whose name or activity is displayed on that advertising sign.
- (2) If an advertising sign has been removed in terms of section 41(3), an authorised official must in writing give notice to the owner of that sign, if his or her address can be ascertained, of such removal and that he or she may claim the advertising sign concerned.

- (3) Any advertising sign which has been removed and stored in terms of these By-laws may be released to its owner subject to payment of a prescribed fee.
- (4) Any advertising sign removed and not claimed within 60 (sixty) days may be disposed of in any manner by the Municipality, including being auctioned.
- (5) The Municipality shall be indemnified against any claim for loss or damage of any advertising sign in the removal/impoundment thereof.

44. Documentation

- (1) The owner of a property upon which a sign or an advertising sign is erected, attached or displayed, must retain certified copies of all documentation relating to the application for approval of such sign in terms of these By-laws and the approval of the Municipality in terms of these By-laws, for as long as that sign is erected or displayed, and must on request by an authorised official, present such documentation.
- (2) The owner of an advertising sign or advertisement who is not also the owner of the property or building on which such sign is displayed, must provide the owner of that property or building with a certified copy of all documentation contemplated in subsection (1), relating to such advertising sign.

45. Public participation process

- (1) After lodging an application in terms of section 3(3) above, the applicant must forthwith display a notice in a A1 size format in English on the application site in a conspicuous place clearly visible from any public street provided that no such notice may be displayed during the period from 12 December to 3 January of the following year, both dates included.

- (2) The applicant must maintain such notice envisaged in subsection (1) above for a period of at least 21 days.
- (3) In addition to the on-site notice prescribed in subsection (1) above, the applicant shall also forthwith notify all the adjoining property owners in writing by registered post or by any other means available to the applicant.
- (4) A notice contemplated in subsections (1) and (3) above must contain the following information:
 - a) full details of the application concerned and that it will lie open for inspection at an address specified in the notice for a period of 21 days from the date of first display of the on-site notice in terms of subsection (1); and
 - b) the name, postal address, telephone number, fax number and e-mail address of the person submitting the application; and
- (5) that any person may within a period of 28 days from date of first display of the notice envisaged in subsection (1) above submit comments or representations, or lodge an objection, in writing in respect of the application concerned.
- (6) The applicant must furnish proof to the Municipality in the form of an affidavit that he or she has complied with the provisions of subsections (1) to (4) above.
- (7) Any person proposing to submit comments or representations or lodge an objection as contemplated in subsection (4)(c) above, must address such comments, representations or objections to both the Municipality and the applicant concerned at their respective addresses specified in the notices so contemplated.
- (8) Any comment, representation or objection submitted outside of the 28 days period envisaged in subsection (4)(c) above, shall not be entertained by the Municipality.

- (9) n applicant may choose to reply to the Municipality to any comment, representation or objection received in terms of subsection (6) above within 14 days from date of receipt of such comment, representation or objection.
- (10) The Municipality may in its discretion exempt an applicant from complying with the requirements of subsections (1) to (4) above on good cause shown.

46. Consideration of applications

- (1) If any written comments, representations or objections have been received in respect of an application from any interested party contemplated in section 44, the Municipality must consider all such comments, representations and objections before taking a decision on the application.
- (2) The Municipality shall consider the application on written submissions only and no formal oral hearing will be conducted.
- (3) A decision on a complete application shall be taken within 3 months of date of submission of the application, failing which, it shall constitute grounds for unreasonable delay and an appeal may be submitted in that regard in terms of section 49 below, if the applicant so wishes
- (4) An applicant may within 14 (fourteen) days after receiving any comments, representations or objections to an application, submit a written response thereto to the Municipality for consideration.
- (5) If a response in terms of subsection (2) is not received by the Municipality within the period specified in subsection (2), it may take a decision on the application concerned without any notification to the applicant.

47. Termination of approvals of advertising signs granted under previous By-laws or other applicable legislation

- (1) If an approval for an advertising sign was granted in terms of the By-laws repealed by section 52 or in terms of any previous By-laws or other legislation that might have been applicable to Outdoor Advertising without specifying a period for the duration of that approval, the Municipality may in agreement with the owner of that sign determine a date on which such approval will lapse.
- (2) If agreement in terms of subsection (1) cannot be reached, the Municipality may, subject to compliance with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), determine a date contemplated in subsection (1), and notify the owner of the advertising sign concerned of its decision and that he or she may apply for approval for that sign in terms of section 3.
- (3) If the owner of an advertising sign fails to submit an application in terms of section 3(3) of these By-laws within 60 (sixty) days after being notified in terms of the date of an agreement in terms of subsection (1) or of a notification in terms of subsection (2) the advertising sign concerned shall be considered to be erected and/or displayed without such approval and shall be deemed illegal and contrary to the provisions of this By-laws.

48. Serving of notices

- (1) Any notice that is required to, or may, be served, delivered or given in terms of, or for the purposes of, these By-laws, must be served in any of the following ways:
 - (a) By handing a copy of the notice to the person concerned;
 - (b) by leaving a copy of the notice at the person's place of residence, business or employment with any other person who is apparently at least 16 (sixteen) years old and in charge of the premises at the time;

- (c) by faxing a copy of the notice to the person, if the person has in writing furnished a fax number to the Municipality or an authorised official;
- (d) by handing a copy of the notice to any representative authorised in writing to accept service on behalf of the person;
- (e) if the person has chosen an address for service, by handing a copy of the notice to a person who is apparently at least 16 (sixteen) years old at that address;
- (f) by sending a copy of the notice by registered or certified post to the last- known address of the person concerned, and, unless the contrary is proved, it is deemed that service was effected on the seventh day following the day on which the document was posted;
- (g) if the person is a company or other body corporate, by serving a copy of the notice on an employee of the company or body corporate at its registered office or its principal place of business within the Republic, or its main place of business in the area of jurisdiction of the Municipality, or if there is no employee willing to accept the service by affixing a copy of the notice to the main door of the office or place of business; or
- (h) if the person is a partnership, firm or voluntary association, by serving a copy of the notice on a person who at the time of service is apparently in charge of the premises and apparently at least 16 (sixteen) years of age, at the place of business of such partnership, firm or association or if such partnership, firm or association has no place of business, by serving a copy of the notice on a partner, the owner of the firm or the chairman or secretary of the managing or other controlling body of such association, as the case may be.

49. Inspections

- (1) In addition to any power of inspection which an authorised official may have in terms of these By-laws, he or she may for any purpose relating to the implementation and enforcement of these By-laws, between 08:00 and 17:00, on any day other than a Sunday or public holiday, carry out an inspection of any advertising sign on any property.
- (2) An authorised official must, before the commencement of, or during an inspection in terms of subsection (1), at the request of the owner of an advertising sign or the owner of a property on which the advertising sign concerned has been erected or is displayed, produce written confirmation of his or her appointment as an authorised official empowered to carry out inspections for the purposes of these By-laws.
- (3) An authorised official carrying out an inspection in terms of these By-laws, before the commencement of, or during an inspection in terms of subsection (1), at the request of the owner of advertising sign or the owner of a property on which the advertising concerned has been erected or is displayed, produce written confirmation of his or her appointment as an authorised official empowered by the Municipality and must conduct himself or herself with strict regard to decency and orderliness and with due regard to any person's rights contained in the Bill of Rights set out in Chapter 2 of the Constitution of the Republic of South Africa, 1996

50. Appeals

- (1) Any person whose rights are affected by a decision by an authorised official in terms of or for the purposes of these By-laws, may appeal against that decision to the Polokwane Local Municipality Manager or his nominee(s), appointed by the Municipality in terms of Section 132 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), by lodging written notice of appeal, specifying the grounds of appeal within 21 days of the date on which he or she was notified of that decision as per section 4(3) above.

- (2) The Municipality Manager shall give notice to all other interested parties, if any, that an appeal has been lodged and whether they want to make any further written submissions in respect of the appeal within 14 days of date of such notification.
- (3) The Polokwane Local Municipality Manager must commence consideration of the appeal on written submissions only and take a decision thereon within a reasonable time which shall not exceed 90 days from date of submission of the appeal or from date of expiry of the 14 days period as per subsection (2) above.
- (4) The Municipality Manager may uphold the appeal, with or without amendments, or dismiss the appeal.
- (5) The Polokwane Local Municipality Manager must forthwith after a decision has been taken in terms of subsection (3), in writing notify the appellant thereof and any other interested parties, if any.
- (6) An appellant and any other interested party, if any, contemplated in subsection (1) may, upon being notified of a decision in terms of subsection (5), in writing apply for reasons for the decision and the Municipality Manager must furnish written reasons to the applicant as contemplated in Section 5 of the Promotion of Administrative Justice Act, 2000.

51. Offences and penalties

- (1) Any person who-
 - (a) contravenes or fails to comply with any provision of these By-laws;

- (b) refuses or fails to comply with any notice served on him or her in terms of or for the purposes of these By-laws;
- (c) refuses or fails to comply with the terms or conditions of any approval issued in terms of these By-laws;
- (d) obstructs, hinders or interferes with an authorised official or other official of the Municipality acting under power delegated to him or her, in the exercise of any power or the performance of any duty under these By-laws;
- (e) fails or refuses to furnish to an authorised official or other official of the Municipality acting under power delegated to him or her, with any documentation or information required for the purposes of these By-laws or furnishes a false or misleading document or false or misleading information;
- (f) fails or refuses to comply with any instruction given in terms of or for the purposes of these By-laws; or
- (g) pretends to be an authorised official or other official of the Municipality acting under power delegated to him or her, is guilty of an offence and –
 - (i) liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 20 (twenty) years or to both a fine and such imprisonment and the fine shall be calculated according to the ratio determined for such imprisonment in terms of the Adjustment of Fines Act; 1991 (Act 101 of 1991) and
 - (ii) in the case of a continuing offence, to a further fine not exceeding R1 000, or in default of payment to imprisonment not exceeding three months, for every day during the continuance of such offence after a written notice has been served on him or her by the Municipality or an

authorised official requiring the discontinuation of such offence.

- (2) nothing in subsection (1) above shall be construed to prevent the Municipality from imposing, in addition to the civil and criminal options available, a rates penalty as per the Municipality's approved Rates Policy against an owner of a property who is in contravention of any provision of these By-laws.

52. Repeal of By-laws

- (1) Subject to the provisions of subsection (2), the Polokwane Local Municipality's Outdoor Advertising By-laws published under Local Authority Notice 1419 in Extraordinary Provincial Gazette No. 150 dated 13 June 2008, are hereby repealed.
- (2) Anything done under or in terms of any provision of the By-laws repealed by subsection (1) is deemed to have been done under the corresponding provisions of these By-laws and such repeal does not, subject to the provisions of section 5 and section 34 above affect the validity of anything done under the By-laws so repealed.
- (3) Any application in terms of the By-laws repealed by subsection (1), pending before the Municipality at the date of commencement of these By-laws must be dealt with in terms of these By-laws.

53. Tariffs

The Municipality may determine tariff of charges dealing with any aspect, conduct or action in terms of this By-law and such tariff of charges shall be published in the Provincial Gazette for information after approval thereof by the Municipality.

54. Title

These By-laws are referred to as the Polokwane Local Municipality Outdoor Advertising By-laws and will come into operation on date of promulgation of the By-laws in the Provincial Gazette.

SCHEDULE 1

Documentation, information, maps, diagrams and plans to be submitted as part of an application envisaged in section 3 of this By-law:

- (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 authorised 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 Municipality;
- (d) a block plan of the property upon which an advertising sign is to be erected, drawn to scale acceptable to Municipality, showing every building, building line and servitude on the site and the 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, in colour, showing all the detail, location and measurements of the proposed advertising sign;
- (f) a drawing, in colour showing the proposed advertising sign and the distances in relation to any other 3rd party or free-standing advertising signs situated within a radius of 200m from the proposed advertising sign on the same side of the road ;
- (g) a diagram showing that the proposed position of the advertising sign is in conformity with Schedule 2, if applicable;
- (h) a copy of the 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 an applicable town planning scheme and a 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 that position to the closest two boundaries of the property concerned;
- (k) proof of compliance with any other law, including but not limited to, the National Road Traffic Act, the National Building Regulations and Building Standards Act, and the National Environmental Management 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 line relaxation in terms of any law, if applicable;
- (m) if a proposed advertising sign is to be attached to, or displayed on, the façade of a building, building plans of that building showing an elevation and measurements of the building, and the details, measurements and position of the proposed advertising sign and the details and the position of every existing advertising sign on the building drawn to a scale acceptable to the Municipality;
- (n) if a proposed advertising sign is to be displayed on a boundary fence or hoarding enclosing the whole of a 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 a scale acceptable to Municipality, or proof that a section 7(6) has been granted; a certificate by a registered person as envisaged by the provisions of the National Building Regulations and Building Standards Act, 103 of 1977, confirming the structural safety of the proposed advertising sign and its foundations, if applicable; and
- (o) a certificate by a registered person as envisaged by the provisions of the National Building Regulations and Building Standards Act, 103 of 1977, confirming the structural safety of the proposed advertising sign and its foundations, if applicable;
- (p) any comments/objections/representations submitted by and conditions determined or prescribed by any statutory authority, for example, SANRAL in terms of any legislation applicable to outdoor advertising, if applicable; and
- (q) any other written information which the Municipality may in writing require which in the opinion of the Municipality would assist in taking a proper decision.

SCHEDULE 2

CLASSIFICATION OF AREAS OF CONTROL

1. (a) The classification of the areas of control for the purpose of outdoor advertising is based on the current and (near) future zoning of the property/erf concerned.
- (b) The classification of the areas of control shall be determined by Municipality within the Polokwane Municipality area of jurisdiction, and if needs be, in consultation with the relevant roads authority, such as for the property along the Provincial or National roads.
- (c) The classification of the areas of control is dynamic because it is a function of the land use and may need to be updated and changed according to the changes in the land use for specific property/site.
- (d) It should be noted that the classification for a single erf/site can be over-ridden by the surrounding area of control. This implies that although a specific site can be zoned in such a way as to be classified as specific area of control, and the surrounding area is predominantly classified as a “higher/more stricter” area of control, the Municipality shall decide that such a site/property be classified according to the predominantly “higher” area of control.
- (e) The determination of areas of control shall also take cognizance of areas that have been designated by any relevant national or provincial legislation or policy as “no go” or sensitive areas with respect to any development.

NATURAL LANDSCAPE – AREA OF MAXIMUM CONTROL

2. (a) The “natural” landscape shall refer to the following parts of the rural or non-urban environment:
 - (i) Area in non-urban environment in an unspoilt natural state
 - (ii) Areas of high scenic value
 - (iii) Undeveloped Natural Landscapes and open spaces

- (iv) Natural areas and open spaces
- (b) Natural landscapes shall include but shall not be limited to the following:
 - (i) Game reserves
 - (ii) Natural reserves
 - (iii) Marine services
 - (iv) Wilderness areas
 - (v) Extensive agriculture
 - (vi) Agricultural Holdings
 - (vii) Scenic corridors
 - (viii) Scenic landscapes
 - (ix) National Parks

RURAL LANDSCAPE – AREA OF MAXIMUM CONTROL

- 3. (a) Rural areas form a transition between the developed urban areas and the relatively unspoilt natural areas. Typical land use shall include the following:
 - (i) Intensive agriculture area
 - (ii) Subsistence agriculture
 - (iii) Peri-urban smallholdings
 - (iv) Undeveloped/Vacant agricultural land where the surroundings are still vacant and undeveloped

URBAN AREAS OF MAXIMUM CONTROL

- 4. (a) Urban areas will be proclaimed township areas. If a site is not part of the proclaimed township scheme, it should be classified as rural or natural area. Urban areas can be classified as maximum control, partial control or minimum control.
- (b) The following precincts are deemed sensitive to visual disturbance and shall be defined as urban areas of maximum control:
 - (i) Natural open spaces in urban areas
 - (ii) Urban conservation areas

- (iii) Vacant/Undeveloped Urban Space Areas
- (iv) Interface of natural landscape with built-up areas
- (v) Gateways as determined by relevant authorities
- (vi) Residential areas/properties
- (vii) Bodies of water/ Rivers
- (viii) Ridges
- (ix) Forests
- (x) Open recreational areas
- (xi) Architectural and Historical sites
- (xii) Characteristic vistas
- (xiii) Heritage and Protected Areas/Sites
- (xiv) Skylines

URBAN AREAS OF PARTIAL CONTROL

5. (a) Urban areas of partial control are, in most cases, characterized by a greater degree of integration and complexity of land use, facilities and activities that allows for limited freedom with regard to size, number and position of advertisements.

- (b) Where urban areas of maximum control and urban areas of minimum control, according to the land use, are adjacent to each other, an urban area of partial control will apply to protect the area of maximum control to be proliferated by advertisements. This will be a 50m band between an area of minimum control and an area of maximum control.

- (c) The band mentioned in (b) above will be measured from the edge of the area of maximum control into the area of minimum control.

- (d) Besides this area of 50m, the following areas will also be defined as urban areas of partial control:
 - (i) Commercial enclaves in residential areas
 - (ii) Shopping Centres
 - (iii) Suburban Shopping Centres & office parks
 - (iv) Ribbon development

- (v) Educational institutions
- (vi) Institutional premises
- (vii) Sports fields, private open spaces or stadiums
- (viii) Commercialized squares
- (x) Residential 1 properties with primary rights for offices in a commercial neighbourhood/precinct
- (xi) Government enclaves
- (xii) Smallholdings of an urban nature

URBAN AREAS OF MINIMUM CONTROL

6. (a) Urban areas of minimum control can be 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. This calls for the display of advertisements and signs in stronger and more obvious forms.
- (b) The following precincts are included in urban areas of minimum control:
- (i) Concentrated economic activity
 - (ii) Commercial districts
 - (iii) Industrial areas & Industrial Parks
 - (iv) Office precincts along urban highways

SCHEDULE 3

Advertising restrictions on freeways and major highways

