

**eTHEKWINI MUNICIPALITY: OUTDOOR ADVERTISING BY-LAW, 2016**



Adopted by Council on the:

## OUTDOOR ADVERTISING BY-LAW, 2016

To provide for the regulation of outdoor advertising; to provide for outdoor advertising on Municipal property and private property; to provide for measures to ensure the health and safety of the public and to protect the environment; to create offences and penalties; to provide for the repeal of laws and savings; and to provide for matters incidental thereto.

### PREAMBLE

**WHEREAS** the Municipality recognises the key role that outdoor advertising plays in business and in the holding of events;

**WHEREAS** the Municipality recognises that the regulation of outdoor advertising is essential in order to–

- (a) promote the image of the Municipality;
- (b) promote civic pride;
- (c) ensure the responsible use of the Municipality's natural environment;
- (d) promote a safe and healthy environment; and
- (e) protect the amenity of the areas under the jurisdiction of the Municipality;

**WHEREAS** the Municipality has competence in term of Part B of Schedule 5 of the Constitution of the Republic of South Africa, 1996 relating to such matters as the control of outdoor advertising;

**AND WHEREAS** the eThekweni Municipal Council has competence, in term of section 156(2) of the Constitution of the Republic of South Africa, 1996 to make and administer By-laws for the effective administration of the matters which it has the right to administer;

**NOW THEREFORE** the eThekweni Municipal Council, acting in term of section 156 read with Part B of Schedule 5 of the Constitution of the Republic of South Africa, 1996 and read with section 11 of the Local Government: Municipal System Act, 2000 (Act No. 32 of 2000), hereby makes the following By-law:

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## CHAPTER 1 INTERPRETATION

### Definitions

1. In this By-law, unless the context indicates otherwise–

“**Adjustment of Fines Act**” means the Adjustment of Fines Act, 1991 (Act No. 101 of 1991);

“**advertisement**” means any–

- (a) visible or audible representation of a–
  - (i) word or any abbreviation thereof;
  - (ii) name or any abbreviation thereof;

(iii) letter;

(iv) figure; or

(v) object;

(b) sign or symbol; or

(c) light which is not solely for illumination or used as a warning against danger, which is visible from any public place and which is intended to promote news headlines or any business, product, person, function, meeting, election or candidate in an election, event or activity;

**“advertising”** means the act or process of displaying an advertisement and **“advertise”** has a corresponding meaning;

**“advertising vehicle”** means a vehicle constructed or adapted for the display of an outdoor advertising sign, and may include any object attached to the vehicle for the purposes of advertising;

**“aerial advertisement”** means any outdoor advertising sign displayed in the air by means of a balloon, kite, inflatable object, aircraft or any other means;

**“alter”** includes any change—

(a) to the design, structure, size or illumination of an outdoor advertising sign, or its supporting structure; or

(b) of face;

**“animated advertisement”** means an advertisement which is enhanced by the appearance of continuous movement by the use of moving units, flashing lights, electronic or digital messages or similar devices;

**“applicant”** means a person who makes an application for permission to display or alter an advertisement;

**“appropriate”** means that the locality, dimensions, installation, materials and supporting structure of an outdoor advertising sign are appropriate in all the circumstances in the opinion of the Municipality;

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

**“area of control”** refers to the degree of advertising control to be applied in a specific area in accordance with the degree of landscape sensitivity and traffic safety conditions and includes–

- (a) an area of maximum control;
- (b) an area of minimum control;
- (c) an area of partial control; and
- (d) a special advertising zone;

**“area of maximum control”** means an area which is highly sensitive to advertising and where a high level of advertising control is applied;

**“area of minimum control”** means an area which is relatively insensitive to advertising and where a lower level of advertising control is applied;

**“area of partial control”** means an area which is moderately sensitive to advertising and where a moderate level of advertising control is applied;

**“authorised official”** means a person authorised to implement the provisions of this By-law, including but not limited to–

- (a) peace officers as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
- (b) municipal or metropolitan police officers as contemplated in the South African Police Service Act, 1995 (Act No. 68 of 1995); and
- (c) such employees, agents, delegated nominees, representatives and service providers of the Municipality as are specifically authorised by the Municipality in this regard: Provided that for the purposes of search and seizure, where such person is not a peace officer, such person must be accompanied by a peace officer;

**“banner”** means a piece of canvas or cloth, PVC or similar material on which an advertisement is displayed in such a manner as to be legible in windless conditions



and is attached to one or more ropes, poles or a flagstaff or is attached to a building or other structure, but excludes a banner carried as part of a procession and a flat sign;

“**billboard**” means any screen, board, hoarding, fence, wall or free-standing structure used or intended to be used for the purpose of displaying any third-party outdoor advertising sign and which does not exceed 36m<sup>2</sup> in area;

“**bit**” means the basic unit for measuring the length of advertising messages and may consist of letters, digits, symbols, logos, graphics or abbreviations and for the purposes of this By-law bit values shall be calculated as follows:

Words of up to three letters	0.5 bit
Words four to eight letters	1.0 bit
Words of more than eight letters:	2.0 bits
Numbers of up to three digits	0.5 bit
Numbers from three to eight digits	1.0 bit
Numbers more than eight digits	2.0 bits
Logos and symbols	0.5 bit

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

“**change of face**” means an alteration to the content of an outdoor advertising sign on a third party outdoor advertising sign;

“**citi-lite**” means a freestanding billboard not exceeding 18m<sup>2</sup> and which is clad in Municipal approved colours and cladding;

“**combination sign**” means a sign comprising a number of smaller, individual signs, usually displaying different products or services, placed adjacent to each other on a single structure specially designed to accommodate more than one sign;

“**contractor**” means a person who provides labour or materials in respect of construction, repairs, renovation or other building operations;

**“contractor’s board”** means an outdoor advertising sign that is temporarily displayed at premises on which building operations, repairs or improvements are being undertaken or in progress and which advertises the name, contact details and type of service or product offered by the contractor as well as the duration of the contract, and includes sub-contractors boards;

**“Constitution”** means the Constitution of the Republic of South Africa, 1996;

**“Council”** means the eThekweni Municipal Council, a municipal council referred to in section 157(1) of the Constitution of the Republic of South Africa, 1996;

**“curtilage”** is the whole of the area of land within the boundaries of the subdivision forming the site on which any building has been erected;

**“days”** means when any particular number of days is prescribed for the doing of any act, or for any other purpose, the same shall be reckoned exclusively of the first and inclusively of the last day, unless the last day happens to fall on a Saturday, Sunday or on any public holiday, in which case the time shall be reckoned exclusively of the first day and exclusively also of every such Saturday, Sunday or public holiday;

**“designated area”** means an area designated as such in term of section 38 of this By-law;

**“development board”** means a sign displayed at premises describing the type of development to be carried out or being carried out on a construction premises and may include a pictorial representation of the proposed development; or relating to services being provided, but excludes a contract board for building or civil engineering projects required in terms of the Architectural Profession Act, 2000 (Act No. 44 of 2000);

**“directional sign”** means any navigational sign which contains directors, arrows or displays distances to a place, premises or event;

**“display”** means to erect or exhibit an outdoor advertising sign visible to the public view by any method whatsoever;

**“election advertising sign”** means an outdoor advertising sign used in connection with any national, provincial, or municipal election, by-election or referendum;

**“electronic outdoor advertising sign”** means an outdoor advertising sign that has an electronically-controlled, illuminated display surface which allows the advertisement to be changed or illuminated in various ways;

**“engineer”** means a person registered at the appropriate level with the Engineering Council 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);

**“estate agent”** means an estate agent as contemplated in the Estate Agents Act, 1976 (Act No. 112 of 1976);

**“estate agent’s board”** means an outdoor advertising sign that is temporarily displayed to advertise that land, premises, a development or other immovable property for sale, to let or on show or which has been sold;

**“event”** means any occasion organised for the general public;

**“exempted outdoor advertising sign”** means a sign contemplated in section 6 of this By-law;

**“fifty-fifty sign”** means a combination outdoor advertising sign comprising of two individual advertisements displaying different products or services;

**“flag”** means a piece of cloth, canvas, PVC or similar material on which an advertisement is displayed and which is attached to a single rope attached to a pole or flagstaff in such a way that its contents are not normally legible in windless conditions;

**“flashing outdoor advertising sign”** means an electronic advertisement which intermittently appears and disappears;

**“flat sign”** means a sign which is affixed to an external wall but not to a parapet wall, balustrade or railing of a veranda or balcony of a building which is used for

commercial, office, industrial or entertainment purposes and 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;

**“fly posters”** means posters or placards which are stuck or attached to existing surfaces that are not intended specifically for the display of an outdoor advertising sign;

**“ground sign”** means any sign which is affixed or secured to the ground and is not attached to any building;

**“Head”** means the Head of the relevant unit in the Municipality who is responsible for the regulation of outdoor advertising;

**“handbill”** means a printed sheet or pamphlet which is distributed by hand;

**“high impact outdoor advertising sign”** means an outdoor advertising sign which has a high impact on the visual, social and traffic safety aspects of the specific environment;

**“illuminated outdoor advertising sign”** means an outdoor advertising sign which is illuminated, whether by an electrical current or otherwise, and includes, but is not limited to, a laser beam;

**“intersection”** means an intersection as defined in the regulations promulgated in term of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

**“kerb line”** means the boundary between the shoulder and the verge or, in the absence of a shoulder, the part between the edge of the roadway and the verge, as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

**“locality bound outdoor advertising sign”** means an outdoor advertising sign which directs the attention of the public to a place, business, undertaking or activity for the purpose of indicating its locality, and excludes a third party outdoor advertising sign;

**“low impact outdoor advertising sign”** means an outdoor advertising sign which has little effect on the visual, social and traffic safety aspects of the specific environment;

**“moderate impact outdoor advertising sign”** means an outdoor advertising sign which has a moderate effect on the visual, social and traffic safety aspects of the specific environment;

**“Municipality”** means the eThekweni Municipality, a category A Municipality as envisaged in term of section 155(1) of the Constitution and established in term of Provincial Notice No. 43 of 2000 (KZN);

**“Municipal property”** means property owned by, leased by or under the control of the Municipality; and includes a public place;

**“National Building Regulations and Building Standards Act”** means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and **“National Building Regulations”** shall have a corresponding meaning;

**“National Road Traffic Act”** means the National Road Traffic Act, 1996 (Act No. 93 of 1996);

**“non-locality bound outdoor advertising sign”** means a sign displayed on a premises which refers to a product, place, business, undertaking or activity which is not located, rendered or provided on that premises;

**“nuisance”** means anything which may cause or causes an environmental, traffic, social or visual hazard;

**“organ of state”** means any department of state or administration in the national, provincial or local sphere of government;

**“outdoor advertising sign”** means any screen, fence, wall, structure or other object or device, whether freestanding, attached to any other wall or structure or in the air, intended to display an advertisement with the object of transferring information out of doors and **“sign”** shall have a corresponding meaning;

“**owner**” means the person in whose name the land is registered in the relevant deeds office or the person in possession of or having control over the land or premises—

- (a) in the case of a trust, the trustees of that trust;
- (b) the registered owner of a sectional title unit, where the interior of a sectional title unit is at issue;
- (c) the trustees of a body corporate, where the common property of a sectional title scheme is at issue;
- (d) the administrator of the body corporate of the sectional title scheme where the common property of a sectional title scheme is at issue and there are no elected trustees of the body corporate;
- (e) the executor, where the—
  - (i) owner of the building is deceased and the building has not yet been transferred out of the deceased’s estate; or
  - (ii) estate of the owner has been sequestrated;
- (f) the curator, where the owner of the building has been declared by any court to be incapable of managing his or her own affairs or a prodigal;
- (g) the administrator, where the owner of the building is a mental health care user as defined in section 1 of the Mental Health Act, 2002 (Act No. 17 of 2002);
- (h) the liquidator, where the owner of the building is a judicial person or a trust and has been liquidated;
- (i) the former members of a close corporation which has been deregistered and in respect of which they have a continuing liability as contemplated in section 26 of the Close Corporations Act, 1984 (Act No. 69 of 1984), read with sections 83(2) and (3) of the Companies Act, 2008 (Act No. 71 of 2008);
- (j) the business rescue practitioner, where the owner of the building has been placed under business rescue;
- (k) the managing agent, where the owner of the building is absent from the Republic of South Africa or where the Municipality has, after reasonable attempts, not been able to determine his or her whereabouts; or
- (l) every person who is entitled to occupy or use a building, or who does occupy or use a building, where—
  - (i) the owner of the building is absent from the Republic of South Africa;
  - (ii) the Municipality has, after reasonable attempts, not been able to determine the whereabouts of the owner of the building; and
  - (iii) there is no managing agent;

“**permit**” means the written approval granted to an applicant for the display of an outdoor advertising sign; and includes the time period permitted for the display of the sign and any other conditions imposed;

“**permit holder**” means the person in whose name a permit has been granted by the Municipality for the display of an outdoor advertising sign;

“**person**” means a natural or juristic person, and includes an organ of state;

“**portable board**” means any self-supporting, A-frame outdoor advertising sign or any other collapsible structure which is not affixed to the ground, which is capable of being readily moved;

“**poster**” means any placard intended to be temporarily displayed in a public place as an announcement of an election, meeting, function or event;

“**premises**” means any building, together with the land on which such building is situated;

“**prescribed**” means as determined by resolution of the Council from time to time;

“**product replica sign**” means a replica or reproduction of a product or object, or device used for advertising that may be free-standing or attached to a structure or wall;

“**projecting sign**” means any sign which is affixed to a main wall of a building which is used for commercial, office, industrial or entertainment purposes and which at any point projects more than 300 mm from the surface of the wall and up to 1.2 m in length with a minimum ground clearance of 2.4m;

“**Provincial Gazette**” means the official Gazette of the province concerned;

“**public place**” means—

- (a) a public road;

(b) any parking area, square, park, recreation ground, sports ground, swimming pool, sanitary lane, open space, beach, shopping centre on municipal land, unused or vacant municipal land or cemetery which has—

(i) in connection with any subdivision or layout of land into erven, lots or plots, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, lots or plots, whether or not it is shown on a general plan, plan of subdivision or diagram;

(ii) at any time been dedicated to the public;

(iii) been used without interruption by the public for a period of at least thirty years expiring after 31 December 1959; or

(iv) at any time been declared or rendered as such by the Municipality or other competent authority;

(c) a public transportation motor-vehicle; or

(d) a municipal property, premises or facility which the public has access to, but will not include public land that has been leased or otherwise alienated by the Municipality;

**“public road”** means any road, street or thoroughfare or any other place, whether a thoroughfare or not, which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes—

(a) the verge of any such road, street or thoroughfare;

(b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and

(c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

**“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 traffic sign”** means any road traffic sign as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996) or any other applicable law;

**“roadway”** means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic, which is between the edges of the roadway, as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);



**“roof sign”** means a sign on the roof of a building which is used for commercial, office, industrial or entertainment purposes;

**“shoulder”** means that portion of the road, street or thoroughfare between the edge of the roadway and the kerb line, as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996);

**“sidewalk”** means that portion of a verge intended for the exclusive use of pedestrians, as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

**“sky sign”** means a sign displayed on top of a building which has more than 15 floors;

**“special advertising zone”** means an area within an area of maximum control in which outdoor advertising would not otherwise be permissible, but is permitted as a result of a particular development need in that area;

**“street name outdoor advertising sign”** means any outdoor advertising sign displayed in combination with street naming;

**“supporting structure”** means any object, which includes but is not limited to a wall or building, on which an outdoor advertising sign is placed, or which supports such a sign, together with any supports, guys, anchors, braces, stays or ties which secure that structure;

**“temporary outdoor advertising sign”** means any outdoor advertising sign displayed for a temporary period, and includes but is not limited to posters, banners, flags, contractors boards, developers board and estate agents boards;

**“third party outdoor advertising sign”** means any outdoor advertising sign which is not a locality bound outdoor advertising sign;

**“veranda”** is a roofed structure attached to or projecting from the façade of a building and supported along its free edge by columns or posts;

“**verge**” means that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway on the shoulder, as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996); and

“**zone**” means the area shown on a map for the purpose of indicating the restrictions imposed by the Municipality’s land use scheme on the erection and use of buildings or structures or use of the land.

### **Interpretation of By-law**

2. In the event that there is a conflict of interpretation between the English version of this By-law and a translated version, the English version prevails.

### **Objects of By-law**

3. The object of this By-law is to regulate advertising and the use of signs in a manner which–

- (a) promotes the image of the Municipality;
- (b) promotes civic pride;
- (c) ensures the responsible use of the Municipality’s natural environment;
- (d) promotes a safe and healthy environment;
- (e) promotes the health and safety of people attending events within the area of jurisdiction of the Municipality;
- (f) promotes the amenity of the area of jurisdiction of the Municipality; and
- (g) allows for appropriate penalties in the event of non-compliance with this By-law.

### **Application of By-law**

4. This By-law applies to all areas which fall under the jurisdiction of the eThekweni Municipality and is binding on all persons to the extent applicable.

## **CHAPTER 2 PERMITS AND EXEMPTED OUTDOOR ADVERTISING SIGNS**

### **Permit required**

5.(1) No person may–

- (a) display an outdoor advertising sign; or
- (b) alter an existing outdoor advertising sign,

without a permit issued by the Municipality.

(2) An outdoor advertising sign may only be displayed or altered in accordance with conditions imposed in terms of the Municipality's permit, this By-law or any other applicable law.

(3) The provisions of subsection (1) do not apply to any outdoor advertising sign which is exempt from the requirement for a permit as contemplated in section 6 of this By-law.

### **Exempted outdoor advertising signs**

6. No permit is required for the following outdoor advertising signs:

- (a) an outdoor advertising sign which is required to be displayed in terms of any applicable law;
- (b) a road traffic sign;
- (c) a contract board for building or civil engineering projects required in terms of the National Building Regulations;
- (d) a sign which bears only the name of a business and which is situated outside the registered office or other premises of that business: Provided that the outdoor advertising sign–
  - (i) does not exceed 0,6m<sup>2</sup>;
  - (ii) does not project onto any road; and
  - (iii) is not illuminated.
- (e) a sign which is incorporated into the face of a building and which form an integral part of the fabric of the building;
- (f) an outdoor advertising sign which is displayed in an arcade and which is not aimed at road users;
- (g) an outdoor advertising sign which is displayed inside a building and which is more than two metres away from a window or any other opening;
- (h) a price ticket on an item displayed in a shop window: Provided that the ticket is smaller than 0,5m<sup>2</sup>;

- (i) an outdoor advertising sign displayed in a sports stadium which is not visible from outside of the stadium and from a public road; and
- (j) a branded vehicle displaying a company's products: Provided that the company may not display the price, fee or charge for products displayed.

### **CHAPTER 3 APPLICATION AND APPROVAL**

#### **Applications**

7.(1) Any person who wishes to—

- (a) display an outdoor advertising sign; or
- (b) alter an existing outdoor advertising sign,

other than an exempted outdoor advertising sign, must make written application to the Municipality for a permit to display or alter the sign.

(2) A written application for a permit contemplated in subsection (1) must –

- (a) be lodged in duplicate on the prescribed form;
- (b) contain the requirements for the type of outdoor advertising sign applied for;
- (c) include payment of the prescribed fee and where applicable, a deposit;
- (d) include a locality plan indicating the proposed position of the outdoor advertising sign;
- (e) include additional drawings, diagram, Environmental Impact Assessments, photographs and approved building plans which are necessary in the opinion of the Municipality to reflect the true nature and scope of the application;
- (f) include any assessment, consent or approval which may be required by the Municipality in respect of the application;
- (g) include any further documents, certificates or information which may be required for that particular outdoor advertising sign;
- (h) proof of compliance with any other applicable legislation;
- (i) include authorisation from an organ of state or state owned enterprise if required for that type of sign;
- (j) where applicable, include a copy of the Title Deed of the premises on which the sign is to be displayed;

- (k) provide a copy of the applicant's latest municipal consolidated billing account;
- (l) copy of any applicable lease agreement; and
- (m) an address at which notification or service of a document may be delivered, including a physical address, facsimile address or e-mail address.

(3) Every application must where applicable include the written consent of the owner of the premises on which an outdoor advertising sign is to be displayed, as well as the owner's written undertaking to be bound by this By-law and to indemnify the Municipality in the event of non-compliance with this By-law.

(4) The Municipality must take into account the following factors when considering an application for a permit–

- (a) the type of outdoor advertising sign to be displayed;
- (b) the provisions of this By-law;
- (c) any Advertising Control Map, and accompanying schedule of conditions, issued by the Municipality in terms of this By-law;
- (d) any other applicable law; and
- (e) any other consent or authorisation which may be required by an organ of state, state owned enterprise or line department of the Municipality.

(5) The Municipality must consider an application for a permit to display or alter an outdoor advertising sign and may–

- (a) approve it subject to any conditions including, but not limited to, the period of validity of the permit;
- (b) request that additional information or required amendments be furnished within a specified time frame; or
- (c) reject the application.

(6) An application for a permit in respect of which the Municipality has requested additional information or required amendments must be deemed to have been refused if–

- (a) such additional information has not been submitted; or
- (b) the required amendments have not been effected to the satisfaction of the Municipality,

within 90 days after the date of request for additional information or required amendments was made.

(7) The applicant may re-submit an application within 12 months of the date of the initial application.

(8) The Municipality must within 21 days from the date of a decision in terms of subsection (5) in writing, notify the applicant of its decision and must provide written reasons for its decision on receipt of a written request by the applicant.

(9) The Municipality must for its record purposes retain every application, plans, drawings and other documentation submitted in terms of subsection (2) in accordance with the National Archives and Records Service of South Africa Act, 1996 (Act No. 43 of 1996) and any other applicable legislation or policies regulating the retention of records.

### **Indemnity**

8. A person who applies for a permit to display or alter an outdoor advertising sign must–
- (a) indemnify the Municipality against any claim arising from the display of the outdoor advertising sign; and
  - (b) where application has been made for an outdoor advertising sign to extend beyond the boundary of any street or public place, in addition indemnify the Municipality in respect of any claim arising from such encroachment.

### **Application fees and levies**

9.(1) The Municipality is entitled to charge any person who applies for a permit to display or alter an outdoor advertising sign an application fee on submission of each application as may be prescribed.

(2) The Municipality may provide for a pre-assessment process in term of which the balance of the application fee is only payable after a non-locality advertising sign has been pre-approved by the Municipality.

(3) All approved signs on private property will be charged an annual levy in accordance with the tariff which amount shall be determined in terms of a Council resolution.

(4) Approved signs on municipal property will be charged a prescribed levy in accordance with the tariff, and where applicable, in terms of written agreements or contracts entered into by the Municipality and the contracting party.

### **Display of approved outdoor advertising signs**

**10.(1)** A person may not display or alter an outdoor advertising sign except in accordance with this By-law and any conditions imposed by the Municipality as contained in the permit.

(2) The owner and permit holder are jointly responsible for undertaking and completing, within the time limits specified in the permit, the display of an approved outdoor advertising sign and its supporting framework.

(3) Any person who displays an approved sign must notify the Municipality within 14 days of such sign being erected.

(4) If an approved sign in term of subsection (2) is not erected within the specified time limits in term of the permit, or any further period which the Municipality on good cause shown allows in writing, the approval lapses and a new application must be submitted.

### **Amendment of conditions and suspension or withdrawal of permits**

**11.(1)** The Municipality may withdraw a permit, or impose additional conditions on the display of an outdoor advertising sign, if the sign has become a nuisance, is offensive or is a threat to the safety of persons or property.

(2) If the Municipality is of the opinion that there are reasonable grounds, including any contravention of the conditions imposed in terms of a permit, for suspending or withdrawing a permit to display an outdoor advertising sign, or imposing additional conditions on the display of an outdoor advertising sign, the following procedure must be followed:

- (a) the Municipality must give the permit holder and the owner at least 21 days written notice of the Municipality's intention to suspend or withdraw the permit;
- (b) the notice referred to in paragraph (a) must include—
  - (i) a statement setting out the nature of the proposed action;
  - (ii) the reasons for the proposed action;

- (iii) an invitation to make written representations on the matter within a prescribed period;
- (iv) an address at which representations may be submitted; and
- (v) the date, time and place of a hearing, which may not be less than 15 days from the date of the notice, to consider the suspension or withdrawal, and an indication that the permit holder and the owner may submit representations and appear at the hearing.

(3) The permit holder and the owner must be given an opportunity, either personally or through his or her duly authorised representative, to appear at a hearing and make representations.

(4) If the permit holder and owner wish to appear at a hearing and to oppose the proposed action, he or she must, within seven days of receiving the notice or within a further period that the Municipality may allow, submit representations in writing to the address indicated in the notice.

(5) The Municipality must give a ruling on whether or not to suspend or withdraw the permit, or impose additional conditions, and must give the permit holder and the owner reasons for the ruling in writing not later than 14 days after the date of the conclusion of the hearing.

#### **Permit is non-transferable**

**12.(1)** A permit to display or alter an outdoor advertising sign is non-transferable and may not be leased, sold, exchanged or otherwise disposed of.

(2) Notwithstanding the period of validity for such permit, the permit shall lapse when the permit holder ceases to occupy the premises or conduct the business or undertaking to which the sign relates.

(3) The permit holder and the owner must be given an opportunity, either personally or through his or her duly authorised representative, to appear at a hearing and make representations before the Municipality, and where applicable, must notify the Municipality within 14 days from the date he or she ceases to occupy or own the premises or to conduct the business or undertaking to which the sign relates.



### **Lapsing of permits**

**13.** A permit to display or alter an outdoor advertising sign lapses if an approved outdoor advertising sign is—

(a) not displayed within six months from the date of approval, unless the permit holder makes written application for an extension, which may only be granted for an additional period of six months; or

(b) altered or added to without the further approval of the Municipality: Provided that the Municipality may approve minor alterations by means of an endorsement on the original application.

### **Advertising Advisory Committee**

**14.(1)** The Head may establish an Advertising Advisory Committee comprised of officials to consider and make recommendations on identified applications for the display of signs.

(2) The Head shall appoint a Chairperson and Deputy Chairperson for the Committee.

(3) Three members of the Advertising Advisory Committee must be present in order for a meeting to proceed.

(4) The Advertising Advisory Committee must meet as often as required in order to perform their duties and functions.

(5) The Head shall determine the Term of Reference for the Committee.

## **CHAPTER 4 PROHIBITED OUTDOOR ADVERTISING SIGNS**

### **Prohibited outdoor advertising signs**

**15.(1)** The following outdoor advertising signs may not be displayed:

(a) any outdoor advertising sign which—

- (i) does not comply with the requirements of the permit, this By-law, any applicable law or the land use scheme of the Municipality;
  - (ii) obscures, obstructs or interferes with any traffic sign or signal for traffic control;
  - (iii) inhibits, obstructs or interferes with road traffic safety, pedestrian safety, aircraft safety or the safety of the public in general;
  - (iv) obstructs any street, fire escape, exit way, window, door or other opening used as a means of entering or exiting or for ventilation or fire fighting purposes, or which constitutes a fire risk in the opinion of the Municipality;
  - (v) in the opinion of the Municipality, is indecent, obscene, offensive or otherwise objectionable;
  - (vi) is painted onto or attached in any manner to any tree, plant, rock or to any other natural feature;
  - (vii) is displayed on posters, banners or flags on Municipal property that is of a purely commercial nature, without the Municipality's approval;
  - (viii) moves or which has moving components;
  - (ix) obscures, whether partially or wholly, any other approved outdoor advertising sign which is being lawfully displayed;
  - (x) constitutes a danger or imminent danger to any person or property as contained in the National Building Regulations;
  - (xi) encroaches over the boundary line of the property on which it is erected; or
  - (xii) is detrimental to the environment in which it is located by reason of scale, intensity of illumination or design;
- (b) outdoor advertising signs on top of a canopy or veranda unless the outdoor advertising sign consists of–
- (i) individually cut-out fabricated or boxed letters not exceeding the prescribed height; and
  - (ii) not more than two symbols not exceeding one metre in height, which must be mounted separately to the letters;
- (c) any illuminated outdoor advertising sign which causes a nuisance;
- (d) any handbills or promotional item;
- (e) any fly posters;
- (f) any flag unless the flag has been approved by the Municipality which–
- (i) relates to a current or forthcoming event and is displayed on or within the curtilage of premises used for public entertainment;

- (ii) is displayed during public celebrations or festive occasions and relates to those celebrations or occasions;
  - (iii) is a national flag which does not carry any advertisement;
  - (iv) is a flag carried as part of a procession; or
  - (v) is on-site and displays the name of a business conducted on that site;
- (g) any advertisement on a portable board displayed in a public place or visible from a public place;
- (h) any roof sign in an area other than in an industrial, harbour or airport zone: Provided that the Municipality may approve an appropriate roof sign in any area where a building is situated below street level;
- (i) any flashing outdoor advertising sign;
- (j) any animated advertisement;
- (k) any third-party advertising on a container;
- (l) any teardrop flags;
- (m) any unauthorised attachment on an advertising vehicle;
- (n) walking advertisements or sandwich boards; and
- (o) directional signs: Provided that an estate agents board displaying the words “on show” and other temporary signs in respect of an event may be permitted.

## **CHAPTER 5 AREAS OF CONTROL**

### **Areas of control**

**16.(1)** For the purposes of this By-law, the following areas of control exist:

- (a) areas of maximum control;
- (b) areas of minimum control;
- (c) areas of partial control; and
- (d) special advertising zones.

(2) The areas of control in which signs can be displayed are identified as set out in Schedule 19 hereto.

### **Advertising Control Map**

17.(1) The Council may adopt an Advertising Control Map which indicates the–

- (a) boundaries of areas of maximum control, minimum control and partial control within its area of jurisdiction;
- (b) types of signs which are prohibited within the areas contemplated in paragraph (a); and
- (c) types of signs which are permitted within the areas contemplated in paragraph (a) and any conditions to which they may be subject to.

(2) An Advertising Control Map must comply with the provisions of this By-law and with any other applicable law.

### **Public participation**

18.(1) The Municipality must consult with interested and affected persons, business people and residents in any area under consideration before the adoption of an Advertising Control Map.

(2) The consultation process contemplated in subsection (1) must comply with the provisions set out in subsections (3) to (10).

(3) The Municipality must–

- (a) compile a draft Advertising Control Map; and
- (b) publish a notice in the prescribed manner and form–
  - (i) informing the public that the draft Advertising Control Map is available for inspection at a specified location and between specified hours; and
  - (ii) inviting comments and objections from the public, to be received by the Municipality by a specified date not less than 30 days after the publication of the notice.

(4) The notice contemplated in subsection (3) must–

- (a) contain a summary of the key aspects of the draft Advertising Control Map; and
- (b) be published in two local daily newspapers that circulate in the area, or if there is a community newspaper which is free to the public and is circulated in the area, it may be published in the community newspaper and one daily local newspaper.

(5) The Municipality may call for a public meeting to be held and the public meeting must be held not less than seven days or more than 60 days after the date of the publication of the notice referred to in subsection (3).

(6) At the public meeting contemplated in subsection (5), the Municipality must—

- (a) present and explain the draft Advertising Control Map;
- (b) respond to any queries related to the draft Advertising Control Map;
- (c) give interested and affected persons, business people and residents an opportunity to make comments and to lodge objections; and
- (d) take minutes of the meeting.

(7) The Municipality must consider all objections or comments received from the public regarding the draft Advertising Control Map.

(8) After having considered the comments and objections, the Municipality may, within a reasonable period from the commencement of the public participation process—

- (a) adopt the draft Advertising Control Map;
- (b) amend and adopt the draft Advertising Control Map; or
- (c) reject the draft Advertising Control Map.

(9) Notwithstanding the provisions of section 59 of the Local Government: Municipal System Act, 2000 (Act No. 32 of 2000) the Council may not delegate the decision-making powers referred to in subsection (8).

(10) In the event that the Council adopts an Advertising Control Map, a notice must be published in the manner contemplated in subsection (4), as well as in the *Provincial Gazette*—

- (a) confirming that the Advertising Control Map has been adopted;
- (b) giving notice of the commencement date of the Advertising Control Map;
- (c) summarising the key aspects of the Advertising Control Map; and
- (d) confirming that the Advertising Control Map is available for inspection at a specified location and between specified hours.

## **Amendment, revocation and review of Advertising Control Maps**

**19.** The Council—

- (a) may amend or revoke an adopted Advertising Control Map subject to the provisions of the Promotion of Administrative Justice Act ,2000 (Act No. 3 of 2000): Provided that the Council must follow the public participation process set out in section 18; and
- (b) must review the adopted Advertising Control Map whenever the Council deem it necessary.

**Areas of maximum control**

**20. In areas of maximum control–**

- (a) only low impact outdoor advertising signs which do not intrude into, dominate or derogate in any way from the character or quality of the environment, including the visual, social and traffic safety aspects, will be permitted; and
- (b) third party advertising is not permitted.

**Areas of partial control**

**21. In areas of partial control–**

- (a) only moderate impact outdoor advertising signs are permitted, taking into account the environmental impact including the visual, social and traffic safety aspects;
- (b) third party advertising may be permitted on billboards on Municipal property and on advertising signs with an area not exceeding 18m<sup>2</sup>,subject to appropriate limitations on the size, position and the number of signs; and
- (c) wall billboards may be permitted and shall not cover more than 50% of the surface of a return or retaining wall.

**Areas of minimum control**

- 22. In areas of minimum control, high impact outdoor advertising signs and third party outdoor advertising signs are permitted, subject to appropriate limitations on the size position and the number of signs.**

**CHAPTER 6**

**ESTATE AGENT'S BOARDS AND CONTRACTOR'S BOARDS**

**Registration of estate agents and contractors**

**23.(1)** An estate agent or contractor may not display estate agent's boards or contractor's boards unless he or she has—

- (a) submitted an application to the Municipality; and
- (b) been issued with a permit authorising the display of the estate agent's boards or contractor's boards.

(2) In the case of estate agents—

- (a) individual estate agents must hold a permit; and
- (b) it is not sufficient for an entity or partnership through which estate agents trade to hold a permit.

(3) An application for a permit to display estate agent's boards or contractor's boards must be made to the Municipality on the prescribed form together with payment of the prescribed fee.

(4) A permit issued to a person in terms of subsection (1)—

- (a) is valid for a maximum period of 12 months; and
- (b) is applicable to all estate agent's boards or contractor's boards displayed by the permit holder during the period of validity of such permit.

(5) The Municipality may, in respect of a permit contemplated in subsection (1), grant a permit subject to conditions or refuse a permit.

(6) If the Municipality is of the opinion that there are grounds for suspending or withdrawing a permit contemplated in subsection (1) that was issued to an estate agent or a contractor, the following procedure must be followed:

- (a) the Municipality must give the estate agent or contractor concerned at least 21 days written notice of its intention to suspend or withdraw the permit; and
- (b) the permit holder and the owner must be given an opportunity, either personally or through his or her duly authorised representative, to appear at a hearing and make representations before the Municipality.

(7) The written notice contemplated in subsection (6) must include—

- (a) a statement setting out the nature of the proposed action;

- (b) the reasons for the proposed action;
- (c) an invitation to make written representations on the matter;
- (d) an address at which representations may be submitted; and
- (e) the date, time and place of a hearing, which may not be less than 15 days from the date of the notice, to consider the suspension or withdrawal, and an indication that the estate agent or contractor concerned may submit representations and appear at the hearing.

(8) In the event that an estate agent or contractor wishes to appear at a hearing and to oppose the proposed action, he or she must, within seven days of receiving the notice or within a further period that the Municipality may allow, submit representations in writing to the address indicated in the notice.

(9) The Municipality must give a ruling on whether or not to suspend or withdraw the permit and must give the estate agent or contractor concerned its reasons for the ruling in writing not later than 14 days after the date of the conclusion of the hearing.

#### **Face of estate agent's and contractor's boards**

**24.(1)** An estate agent's board must, where applicable, indicate the following:

- (a) the name of the agency to which the estate agent belongs;
- (b) the logo of the agency;
- (c) the full names of the estate agent;
- (d) the estate agent's contact details; and
- (e) the estate agent's registration number issued to the agent on receipt of a permit from the Municipality.

(2) Where an estate agent's board indicates that a property has been sold or leased, the board must state the date of sale or lease and the estate agent must remove the board within 30 days of the date of sale or lease.

(3) An estate agent must advise the Municipality regarding the sale or lease of the property within ten days of the date of such sale or lease, and on request provide the Municipality with proof of the sale or lease.



(4) A contractor's board must indicate the following:

- (a) the name of the contractor and, if applicable, a business or trading name;
- (b) the contractor's contact details;
- (c) if required by the Municipality, a brief indication, to the reasonable satisfaction of the Municipality, of the nature of the services or products provided by the contractor;
- and
- (d) the registration number issued to the contractor on receipt of a permit from the Municipality.

(5) Any additional information which may be required to be included on an estate agents board or contractor's board is subject to the approval of the Municipality.

(6) A contractor's board must be displayed within or on the boundary of the property and must not encroach over the boundary line of the property.

## **CHAPTER 7 GENERAL REQUIREMENTS**

### **Amenity**

**25.** An outdoor advertising sign may not be detrimental to the environment or to the amenity of the human living environment by reason of size, shape, colour, texture, intensity of illumination, quality of design or materials or for any other reason.

### **Aesthetics**

**26.(1)** An outdoor advertising sign may not be detrimental to the built or natural environment, detract from buildings or natural features, conflict with the harmony of any existing environment or detract from the general amenity of the neighbourhood.

(2) An outdoor advertising sign must–

- (a) be suitable for the environment in which it is to be displayed;
- (b) be suitably placed so as to achieve an uncluttered effect;

- (c) be constructed, executed and finished in an appropriate manner so that the structure and content of the sign is neat; and
- (d) consist of durable materials suitable for the function, nature and permanence of the outdoor advertising sign.

### **Safety**

**27.(1)** An outdoor advertising sign must comply with the provisions of the National Road Traffic Act and any other applicable law.

(2) An outdoor advertising sign may not be displayed in a position where it may cause danger, obstruction or a nuisance to any person, or damage to any property or the environment, including roads and pedestrian traffic ways.

(3) The prohibitions contemplated in subsection (2) include but are not limited to–

- (a) obscuring any traffic signs or signals;
- (b) inhibiting any pedestrian's or drivers' visibility;
- (c) obstructing any road or access; and
- (d) any nuisance caused by light.

(4) An outdoor advertising sign positioned along a road and which targets road users, must–

- (a) be concise and legible;
- (b) contain the minimal text; and
- (c) comply with the guidelines for control of bits and the size of information set out in this By-law.

(5) An outdoor advertising sign must comply with the safety conditions and principles contained in this By-law.

### **Illumination**

**28.(1)** An outdoor advertising sign may not exceed the maximum luminance levels per square m as set out in the Table below:

<b>Illuminated Area</b>	<b>Maximum Luminance</b>
Less than 0,5 m <sup>2</sup>	1000 candela per m <sup>2</sup>

0,5 to 2,0 m <sup>2</sup>	800 candela per m <sup>2</sup>
2,0 to 10 m <sup>2</sup>	600 candela per m <sup>2</sup>
10 or more m <sup>2</sup> in visual zones	350 candela per m <sup>2</sup>
10 or more m <sup>2</sup> in other areas	400 candela per m <sup>2</sup>

(2) An electronic and illuminated outdoor advertising sign may not be so placed or contain an element which distracts or hinders the attention of drivers in a manner likely to lead to unsafe driving conditions.

(3) An electronic and illuminated outdoor advertising sign must be positioned in such a manner to ensure effective distribution of light and to minimise light wastage or spill.

(4) An outdoor advertising sign may not be illuminated on a freeway, irrespective of the area of control, unless the freeway is lit by overhead lighting over the full distance within which the advertisement sign is visible from the freeway.

(5) The extent of illumination of an outdoor advertising sign may not cause discomfort, harm or danger to any person.

(6) The light source emanating from floodlights shall not be visible to traffic travelling in either direction.

(7) Floodlighting shall be positioned to ensure effective distribution and to minimise light wastage or spill.

(8) In respect of urban freeways, irrespective of the area of control, billboards, temporary advertisements, product replicas and three-dimensional signs, roof signs, flat signs, signs painted on walls and roofs, signs incorporated in the fabric of a building, advertising on towers, bridges and pylons, advertisements on construction site boundary walls and fences, aerial signs, and trailer advertising may not be illuminated in any way unless the freeway is lit by overhead lighting over the full distance within which the advertisement sign is visible from the freeway.

## **Environmental impact**

**29.**(1) An outdoor advertising sign must be satisfactorily integrated into the environment to ensure that the Municipality's tourism and development potential is characterised by a high standard of user-friendly signage.

(2) The position, size, design, construction and content of all signs must take cognisance of high quality, historically and environmentally sensitive green belts and open space areas.

(3) An outdoor advertising sign may not cause harm to the environment.

### **Position of outdoor advertising signs**

**30.**(1) The position of an outdoor advertising sign must be in accordance with the provisions of the National Road Traffic Act, this By-law and any other applicable law.

(2) Advertising signs may not be-

(a) positioned on a road island or road median unless they are street name advertisements;

(b) suspended across a road with the exception of signs permitted on bridges across certain urban roads other than freeways or highways, advertising on towers, bridges and pylons as well as banners suspended across urban roads other than freeways and as part of a street-scaping project; or

(c) erected within or suspended above a road reserve or within the limited use area outside the road reserve boundary or freeways.

(3) Sponsored road traffic projects, tourism signs, vehicular advertising and citi-lites may be allowed within all road reserves subject to approval by the Municipality.

(4) Temporary advertisements such as project boards which concern road construction may be allowed within all roads reserves.

(5) Posters and advertisements on street furniture, banners and flags, suburb-name advertisements, projecting signs, veranda, balcony, canopy and under awning signs and functional advertisements by organs of state or state owned enterprises may be allowed within all urban road reserves other than freeways.

(6) Temporary advertisements such as pavement posters and notices, street name advertisements, and signs on bridges may be allowed within urban road reserves other than freeways, but only in urban areas of minimum and partial control.

(7) Neighbourhood watch and similar schemes signs may be allowed within road reserves other than on freeways in urban, rural, and natural environments subject to approval by the Municipality.

(8) Flat signs, projecting signs, and veranda, balcony and under awning signs, may be allowed within the limited use area along freeways if the main building housing an enterprise is within 50m from the road reserve boundary of a freeway and if there is no other appropriate means of indicating that particular enterprise facing another public road carrying through passing traffic.

(9) The Municipality may within vision zones, with regards to advertising restrictions on urban freeways, identify areas in which relaxation may be allowed to change the area of control of such visual zone, and in such instances, the Municipality may also stipulate any term and conditions it deem fit.

(10) Advertising signs may not be permitted within a restricted area at urban street corners, with the exception of temporary window signs, street name advertisement, flat signs, projecting signs, veranda, balcony and under awning signs, window signs, signs incorporated in the fabric of a building and illuminated signs within restricted areas at signalised street corners which signs have a clear height of at least 6m if such signs contain the colours red, green or amber.

### **Temporary outdoor advertising signs**

**31.(1)** Any person who wishes to display a temporary outdoor advertising sign must apply to the Municipality for a permit to display the temporary sign.

(2) A temporary outdoor advertising sign may only be used in connection with an event.

(3) A temporary outdoor advertising sign may be displayed for a prescribed period of time as determined by the Municipality in the permit and must be removed within the prescribed period of time after the event has taken place.

(4) A directional sign may not be misunderstood to represent a road traffic sign due to any factor, including the following–

- (a) any form of arrow or other directional device;
- (b) any symbol, logo or other devised as used on a road traffic sign;
- (c) use of combination of colours specified for road traffic signs; or
- (d) statements call for a driver to turn off the route on which he or she is travelling or to make a U-turn.

### **Maintenance**

**32.(1)** The owner and the permit holder are jointly responsible for maintaining an outdoor advertising sign, as well as its supporting structure, in a state of good repair, both structurally and aesthetically.

(2) An outdoor advertising sign, as well as its supporting structure, must be–

- (a) treated against corrosion and painted;
- (b) cleaned on a regular basis;
- (c) regularly maintained in good repair and in a safe condition, and according to the highest standard as regards quality of structures, posting and content in terms of the National Building Regulations and any other applicable law; and
- (d) designed and positioned, where possible, to discourage vandalism.

### **Electrical and fire prevention requirements**

**33.(1)** An electronic and illuminated outdoor advertising sign, including its supporting structure must be constructed entirely of non-combustible materials and must be installed in accordance with the provisions of the Municipality's By-laws dealing with electricity and electricity supply, the Code of Practice for the wiring of premises in accordance with the South African Bureau of Standards (SABS), any applicable legislation and any policy adopted by Council regulating electricity requirements for illuminated signage.

(2) An electronic and illuminated outdoor advertising sign must–

- (a) have power cables, and conduits containing electrical conductors, positioned and fixed so that they are not unsightly;

(b) be provided with an external weather proof isolator in an accessible position and at a height of at least 3m from the ground where the electricity supply to the advertisement may be switched off;

(c) contain a maximum of six bits of information displayed at any instant in time;

(d) contain a maximum height of text of 500mm; and

(e) have a clearance to the underside of the sign of 2.2m where such sign is over a pedestrian path.

(3) The installation and maintenance of an electronic or illuminated advertising sign may only be conducted by a registered electrician who shall at the request of the owner or Municipality issue a certificate confirming he or she is satisfied that the wiring and installation is in accordance with the provisions of all applicable laws.

(4) If an outdoor advertising sign is to be displayed on premises in a hazardous location as contemplated in SANS 10108 or on premises where flammable liquids and flammable gases are manufactured or stored in an outdoor location, the owner and the permit holder must ensure compliance with SANS 10108.

(5) No movement of the electronic sign face is permitted except for the instant change from one message to another and the duration of the continuous display of each message shall not be less than 30 seconds.

### **Structural requirements**

**34.(1)** An outdoor advertising sign must be properly–

(a) constructed and erected; and

(b) secured, fixed and anchored,

to the satisfaction of an engineer who is responsible for the design, supervision and certification of the display of the sign.

(2) A sign, including its supports and frameworks, must be constructed of non-combustible, durable and safe materials, suitable for the particular design of the sign in accordance with the applicable laws.

(3) Adequate provision must be made for the drainage of all outdoor advertising signs.

(4) The supporting structure of any sign must be neatly constructed, designed and supervised by an engineer as an integral part of the design of the sign, or be otherwise concealed from view to the satisfaction of the Municipality.

(5) No free-standing outdoor advertising sign exceeding 3.4m in height may be built without a certificate from an engineer confirming that the sign is structurally stable and safe.

(6) The Municipality may at any time require that an engineer certify that the—

- (a) design of an advertising sign and supporting structure is structurally stable and safe; and
- (b) completed advertising sign and supporting structure is structurally stable and safe.

(7) The supporting structure may only be erected once the Municipality has granted its approval for the erection of the sign in term of the National Building Regulations.

## **CHAPTER 8**

### **SIGNS ON MUNICIPAL PROPERTY**

#### **Signs on Municipal property**

**35.(1)** A person may not display or alter an outdoor advertising sign or cause or permit any outdoor advertising sign to be displayed or altered on municipal property, without the prior written permission of the Municipality.

(2) Where a person makes application for the display of a billboard on municipal property the Municipality shall only consider applications for the display or altering of a billboard not exceeding 36m<sup>2</sup> in size.

(3) The display or altering of any outdoor advertising sign, other than a billboard contemplated in subsection (2), on municipal property shall be regulated in terms of the Municipality's Supply Chain Management Policy and procurement processes.

(4) A person who wishes to display an outdoor advertising sign on municipal property must—  
(a) make an application in writing to the Municipality for permission; and



(b) pay the prescribed fee as may be imposed by the Municipality.

## **CHAPTER 9 TYPES AND CLASSES OF SIGNS**

### **Types of signs**

**36.(1)** The approval and display of an outdoor advertisement for a specific type of sign must be in accordance with this By-law and any other applicable law, and is furthermore subject to any additional requirements pertaining to a specific type of sign contained in the schedules contemplated in subsection (2).

(2) The Schedules which relate to specific types of signs are as follows:

- (a) Billboards: Schedule 2;
- (b) Ground signs: Schedule 3;
- (c) Flat signs: Schedule 4;
- (d) Projecting signs: Schedule 5;
- (e) Roof signs: Schedule 6;
- (f) Sky signs: Schedule 7;
- (g) Veranda, Balcony, Canopy and Under-awning Signs: Schedule 8;
- (h) Posters, Banners and Flags (Temporary signs): Schedule 9;
- (i) Aerial advertisements: Schedule 10;
- (j) Advertising vehicles: Schedule 11;
- (k) Flags on-site (Private property) : Schedule 12;
- (l) Estate Agents Boards and Contractors Boards: Schedule 13;
- (m) Community Policing Forum (CPF) and Conservancy Signs: Schedule 14;
- (n) Signs at stadia and sports grounds : Schedule 15;
- (o) Signs at schools: Schedule 16;
- (p) Home Business Signs: Schedule 17; and
- (q) Building wrap signs: Schedule 18.

(3) The schedules contemplated in subsection (2) contain further requirements, criteria, conditions and minimum standards to which any person must comply with for a specific type of sign.

**Architecturally Significant Buildings**

37.(1) The Municipality may from time to time identify buildings which are considered architecturally significant due to their architecture, location, age and any other relevant factors.

(2) Any application for a permit for outdoor advertising which affects an architecturally significant building must be accompanied by written approval from the eThekweni Municipality Architectural Department.

(3) A building may only be declared an Architecturally Significant building through a Council resolution and after following a public participation process.

**Designated areas**

38.(1) The Municipality may identify and designate areas where outdoor advertising is prohibited or restricted and such designated areas may only be declared as such in terms of a Council Resolution.

(2) Any outdoor advertising in designated areas may be restricted in terms of–

- (a) the type of sign displayed;
- (b) the time period permitted for the display of the sign;
- (c) the content of the sign; and
- (d) any other condition which may be prescribed by the Municipality.

(3) Any outdoor advertising sign in a designated area may only advertise an event which will take place in the designated area.

**CHAPTER 10  
ENFORCEMENT****Lawful instructions**

**39.(1)** Failure to comply with a lawful request by an authorised official in accordance with the provisions of this By-law constitutes a contravention of this By-law.

(2) An authorised official may enter onto any premises after reasonable notice has been given and at a reasonable time in order to conduct an inspection necessary for the proper enforcement and administration of this By-law.

(3) In the event of the display of an unauthorised advertisement for an event held on private premises, the owner or person in charge of the premises must upon request by an authorised official provide the following information:

- (a) name of event organiser; and
- (b) any contact details of the event organiser.

(4) Failure by the owner or person in charge to provide the information contemplated in subsection (3) will result in the owner or person in charge being guilty of an offence.

#### **Notice to rectify or remove a sign**

**40.(1)** If an outdoor advertising sign contravenes–

- (a) a provision of this By-law;
- (b) any condition of a permit to display or alter an outdoor advertising sign;
- (c) an Advertising Control Map or the accompanying schedule of conditions which may be issued in terms of this By-law,

the Municipality must serve a contravention notice on the owner or permit holder.

(2) The contravention notice must direct the owner or permit holder within the time period determined by the Municipality to cease with the unlawful display of the sign, and may include an instruction to–

- (a) demolish or remove any unauthorised structure or sign and where necessary rehabilitate the land to its original form; or
- (b) submit an application for a permit in terms of this By-law within 30 days of the service of the contravention notice and pay the contravention penalty.

(3) In the event that an application lodged in terms of paragraph 2(b) is refused, the owner or permit holder must demolish or remove the unauthorised structure or sign within a prescribed period.

- (4) The contravention notice contemplated in subsection (1) must–
- (a) identify the person to whom it is addressed to;
  - (b) provide a description of the immovable property on which the sign is located;
  - (c) indicate whether an approval has or has not been granted for the display of the sign;
  - (d) state that the display of the sign is illegal and indicate which provision of the By-law, condition or other provision the display of the sign contravenes;
  - (e) indicate the steps the person must take and the period within which such person must do so;
  - (f) direct the person's attention to the following:
    - (i) that the person could be prosecuted for and convicted of an offence;
    - (ii) that on conviction, the person will be liable for the penalties as provided for; and
    - (iii) that in addition to the conviction and imposition of a penalty, the person could be required by an order of the court to demolish or remove the unauthorised structure or sign and where applicable, allow the Municipality to enter the property to demolish or remove the unauthorised structure or sign; and
  - (g) in the case of an application for the authorisation of the sign as contemplated in section 2(b), that a contravention penalty including any costs incurred by the Municipality shall be imposed.
- (5) Where the court convicts a person of an offence contemplated in section 45 of this By-law, it may–
- (a) at the written request of the Municipality summarily enquire into and determine the monetary value of any advantage which that person may have gathered as a result of that offence; and
  - (b) in addition to the fine or imprisonment contemplated in section 46 of this By-law, order an award of damages, compensation or a fine not exceeding the monetary value of any advantage which the person may have gained as a result of that offence in favour of the Municipality.
- (6) Notwithstanding the provisions of section 40(1), in the event that an outdoor advertising sign–
- (a) constitutes an imminent or irreversible threat or danger to the environment or the health, safety or well-being of any person, property or the public;

(b) in the opinion of the Municipality, is indecent, obscene, offensive or otherwise objectionable; or

(c) is displayed on Municipal property and has not been approved,

the Municipality may immediately and without notice to any person remove or rectify the sign.

(7) The remedies provided for in this By-law are in addition to any other statutory or common law criminal or civil remedies that a Municipality may have at its disposal.

(8) The Municipality may implement a property rates adjustment in accordance with the use of the property where it has confirmed a contravention of this By-law.

### **Recovery of costs**

41.(1) Where the Municipality removes or rectifies a sign or undertakes any remedial action, the owner and the permit holder shall be liable jointly and severally for the costs incurred by the Municipality in taking such action.

(2) The recovery of costs contemplated in subsection (1) is in addition to any fine which may be imposed on those persons.

(3) No person shall be entitled to compensation for any loss or damage arising out of any *bona fide* action or decision taken by the Municipality or any authorised official in terms of this By-law.

### **Removal of signs and impoundment**

42.(1) An authorised official may remove and impound an unlawful outdoor advertising sign as provided for in section 40(6) of this By-law or in terms of a court order.

(2) The removal and impoundment of any outdoor advertising sign in terms of subsection (1) may be effected irrespective of whether or not such sign is in the possession or under the control of any third party at the time.

(3) In the event that any goods to be impounded are attached to immovable property or a structure, an authorised official may order any person who appears to be in control of the immovable property or structure to remove the goods to be impounded.

(4) If the person contemplated in subsection (3) refuses or fails to comply—

- (a) such person is guilty of an offence; and
- (b) the authorised official may remove the goods him or herself.

(5) Any authorised official who removes and impounds goods in term of subsection (1) must issue the permit holder or owner of premises with a receipt which—

- (a) captures the full name, identity number and contact details of the person;
- (b) states the relevant section of the By-law contravened;
- (c) itemises and describes the goods to be removed and impounded;
- (d) provides the address where the impounded goods will be kept;
- (e) states the period of impoundment;
- (f) states the term and conditions which must be met to secure the release of the impounded goods;
- (g) states the impoundment fee to be paid to secure release of the impounded goods;
- (h) states the terms and conditions on which unclaimed goods will be sold or otherwise disposed of;
- (i) provides the name and address of a municipal official to whom any representations regarding the impoundment may be made and the date and time by which representations must be made;
- (j) contains an acknowledgement signed or marked by the person confirming that—
  - (i) the contents of the receipt are correct;
  - (ii) the contents of the receipt have been explained to him or her; and
  - (iii) he or she understands the consequences of impoundment and the requirements for the release of such impounded goods; and
- (k) contains the name of the authorised official concerned and the date and time of impoundment.

(6) An authorised official must, immediately upon removing the goods, transport such goods to the place of impoundment stated on the receipt issued to the person in terms of subsection (5).

(7) The Municipality must—

(a) keep a register of impounded goods at all places of impoundment;

(b) immediately enter in the register the—

(i) details of the permit holder or owner of premises;

(ii) details of the goods removed and impounded, including the condition of such goods;

(iii), place and area where such goods were removed from;

(iv) name of the authorised official who attended to the removal and impoundment of the goods; and

(v) time and date of such removal and impoundment,

upon the presentation of such goods at the place of impoundment.

(8) Items which have been impounded may be released after payment of the prescribed impoundment and storage fees.

(9) Impounded goods may be disposed of by the Municipality if the owner of the outdoor advertising sign does not, or is unable to, pay the impoundment fee within 30 days from the date of impoundment of those goods.

(10) If impounded goods are disposed of by the Municipality in terms of subsection (9), the Municipality may, if the goods are claimed by the rightful owner, pay such person the proceeds of the sale less the prescribed impoundment and storage fees.

(11) After the 30 day period mentioned in subsection (9) has lapsed, the Municipality must serve a notice on such person concerned advising him or her—

(a) that the Municipality intends selling his or her impounded goods as a result of his or her failure to secure the release of such goods within the specified time;

(b) of the date, time and place where representations may be made by the person as to why the Municipality should not sell his or her goods; and

(c) of the date, time and place of such sale should the person prove to be unsuccessful in his or her attempt to have such goods released as per paragraph (b).

### **Vicarious liability**

**43.(1)** Where there has been a contravention of this By-law or a condition of a permit to display or alter an outdoor advertising sign, the owner of the premises on which an outdoor advertising sign is displayed, the permit holder or owner of the sign is deemed to have

committed such contravention unless he or she satisfies the court that he or she took reasonable steps to prevent such contravention.

(2) The fact that the owner, permit holder or owner of the sign contemplated in subsection (1) issued instructions to the employee or agent, prohibiting such contravention, must not in itself constitute sufficient proof of such reasonable steps.

### **Service of notices**

**44.(1)** Whenever a notice is required to be served on a person in terms of this By-law, it is deemed to have been effectively and sufficiently served on such person –

- (a) when it has been delivered to him or her personally;
- (b) when it has been left at his or her place of residence or business in the Republic of South Africa with a person apparently over the age of 16 years;
- (c) when it has been posted by registered or certified mail to his or her last known residential or business address in the Republic of South Africa and an acknowledgement of the posting thereof is produced;
- (d) if his or her address in the Republic of South Africa is unknown, when it has been served on his or her agent or representative in the Republic of South Africa in the manner contemplated in paragraphs (a), (b) or (c); or
- (e) if his or her address and agent in the Republic of South Africa are unknown, when it has been affixed to a conspicuous place on the building.

(2) The date of notification in respect of any notice served in terms of this By-law is–

- (a) on the fourth day after the postmarked date upon the receipt for registration, when it is served by registered mail;
- (b) the date of delivery, when it is served on the person personally;
- (c) the date that the notice was left at a person's place of residence or place business in the Republic with a person apparently over the age of sixteen years;
- (d) the date on which the notice was successfully transmitted, if the document is served by electronic transmission to the e-mail address or facsimile address;
- (e) the date on which the notice was displayed in a conspicuous place on the property or premises to which it relates, is the date on which the notice was posted or affixed to such place; or
- (f) in the case of a juristic person, to its registered address or principal place of business.



## Offences

45. (1) A person commits an offence if he or she—

(a) contravenes any—

(i) provision of this By-law;

(ii) condition of a permit which has been issued to him or her; or

(iii) provision of a Advertising Control Map issued by the Municipality in terms of this By-law;

(b) fails to comply with any lawful instruction or notice given in terms of this By-law;

(c) threatens, resists, interferes with or obstructs any authorised official in the performance of official duties or functions in terms of or under this By-law; or

(d) deliberately furnishes false or misleading information to an authorised official.

(2) A person commits a continuing offence if he or she continues with an offence –

(a) after the notice has been served on him or her in term of this By-law requiring him or her to cease committing such offence; or

(b) continues with an offence after he or she has been convicted of such offence.

## Penalties

46.(1) Any person who is convicted of an offence under this By-law is liable to a fine or imprisonment not exceeding 20 years, or to both such fine and imprisonment.

(2) In the case of a continuing offence, an additional fine or imprisonment for a period not exceeding three months, for each day on which such offence continues or both such fine and imprisonment, will be imposed.

## Presumptions

47. Any person charged with an offence in terms of this By-law who is—

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

- (b) the person whose name appears on an unlawful outdoor advertising sign, or whose product or services are advertised on such sign, is deemed, until the contrary is proved, to have displayed such sign, or to have caused or allowed it to be displayed;
- (c) the owner of any land or building on which any unlawful outdoor advertising sign was or is displayed, is deemed, until the contrary is proved, to have knowingly displayed such sign, or caused or allowed it to be displayed;
- (d) in possession of ten or more identical handbills in a public place is deemed, until the contrary is proved, to be handing out such handbills; and
- (e) the owner of an advertising vehicle parked on private property but in view of a public place is deemed, until the contrary is proved, to have knowingly displayed the outdoor advertising sign on the advertising vehicle.

## **CHAPTER 11**

### **MISCELLANEOUS PROVISIONS**

#### **Delegations**

**48.(1)** Subject to the Constitution and applicable national and provincial laws, any–

- (a) power, excluding a power referred to in section 160(2) of the Constitution;
- (b) function; or
- (c) duty,

conferred, in terms of this By-law, upon the Council, or on any of the Municipality's other political structures, political office bearers, councillors or staff members, may be delegated or sub-delegated by such political structure, political office bearer, councillor, or staff member, to an entity within, or a staff member employed by, the Municipality.

(2) A delegation contemplated in subsection (1) must be effected in accordance with the system of delegation adopted by the Council in line with section 59(1) of the Local Government: Municipal System Act, 2000 (Act No.32 of 2000), subject to the criteria set out in section 59(2) of said Act.

(3) Any delegation contemplated in this section must be recorded in the Register of Delegations, which must contain information on the–

- (a) entity or person issuing the delegation or sub-delegation;

- (b) recipient of the delegation or sub-delegation; and
- (c) conditions attached to the delegation or sub-delegation.

### **Appeals**

**49.(1)** A person whose rights are affected by a decision taken by an authorised official in term of this By-law may appeal against that decision in term of the Appeals provision contained in the Local Government: Municipal System Act, 2000 (Act No. 32 of 2000) by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.

(2) The municipal manager must promptly submit the appeal to the appropriate appeal authority.

(3) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

(4) The appeal authority must confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights which may have accrued as a result of the decision.

(5) The appeal authority must furnish written reasons for its decision on all appeal matters.

(6) All appeals lodged are done so in term of the Local Government: Municipal System Act, 2000 (Act No. 32 of 2000) and not in term of this By-law.

(7) Where a conviction has been confirmed by a court of law and the accused wishes to appeal such conviction, the appeal must take place in terms of the court's appeal process and not in terms of subsection (1) to (5).

### **Repeal of laws and savings**

**50.(1)** The laws mentioned in the first and second columns of the Schedule to this By-law are hereby repealed to the extent set out in the third column of the said Schedule.

**Transitional provisions**

**51.** (1) Any person who was authorised to display a sign in terms of a permit granted by or in terms of an agreement entered into between the Municipality or a local entity which was at that time competent to grant such permit or to enter into such agreement before 1 January 2010 must make application to the Municipality within six months of commencement of this By-law, failing which such authorisation shall lapse.

(2) The Municipality must publish a notice in 2 local newspapers circulating within its area of jurisdiction calling for compliance with the provisions of this By-law.

(3) Every owner of land, on which a sign was erected without formal approval, before the coming into operation of this By-law, that is prohibited by this By-law and which is not an advertisement or advertising sign for which the Municipality may grant approval, must be removed within 90 days of date of commencement of this By-law.

(4) Where an advertisement or advertising sign has been erected or displayed before the date of commencement of this By-law without formal approval, which in terms of this By-law, may not be erected or displayed without the approval of the Municipality, the owner of the advertisement or advertising sign must apply to the Municipality, for approval, within 90 days from the date of commencement of this By-law, failing which the advertisement or advertising sign must be removed forthwith.

**Short title and commencement**

**52.** This By-law is called the eThekweni Municipality: Outdoor Advertising By-law, 2016 and takes effect on the date of publication in the *Provincial Gazette* or as otherwise indicated in the publication notice.

**SCHEDULE 1:  
LAWS REPEALED**

<b><i>Number and year of law</i></b>	<b><i>Title</i></b>	<b><i>Extent of repeal</i></b>
Provincial Notice No. 87 of 1953 adopted by Provincial Notice No. 219 of 1956 for the Borough of Kingsburg	Standard By-law	Sections 357 - 364
Provincial Notice No. 39 of 1968 for the Township of Lower Illovu	General Regulations By-law	Chapter VIII
Provincial Notice No. 328 of 1958 adopted by Provincial Notice No. 436 of 1979	General By-law, Windenham Health Committee	Chapter VIIIA
Provincial Notice No. 287 of 1963 for the Township of Verulam	General By-law	Chapter XX, Sections 4, 15 and 16
Provincial Notice No. 528 of 1973	General By-law, Assagay Health Committee	Chapter VIII
Provincial Notice No. 397 of 1955 adopted by Provincial Notice No. 267 of 1961	General By-law, Cato Ridge Health Committee	Chapter VIII <i>bis</i>
Provincial Notice No. adopted by Provincial Notice No. 728 of 1970	General By-law, Drummond Health Committee	Chapter IX
Provincial Notice No. 79 of 1945 adopted by Provincial Notice No. 539 of 1950	General By-law, Hillcrest Health Committee	Advertisements, signs and sky signs
Provincial Notice No. 82 of 1932 corrected by Provincial Notice No. 281	Building By-law	Chapter IV

of 1984 for the borough of Durban		
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## **SCHEDULE 2: BILLBOARDS**

### **Area of Control**

1. A billboard may be permitted in urban areas of minimum control and in urban areas of partial control.

### **Environmental Impact Assessment**

2. Any application for the display of or altering of a billboard must be accompanied by an Environmental Impact Assessment.

### **Size and Height**

3. A billboard may not have—

- (a) an overall height in excess of seven m in landscape format or 12m in portrait format above the surface of the natural ground level; and
- (b) have an area in excess of 36m<sup>2</sup> in the case of ground signs.

### **Position**

4.(1) A billboard must—

- (a) be spaced at least 120m; 200m or 300m apart on a road or freeway, where the speed limit is less than 60km/h, between 61-80km/h or greater than 81km/h respectively;
- (b) not be erected within a distance of 50 m from the nearest edge of an intersection on a lower order road and 100m from the nearest edge of an intersection on an arterial road;
- (c) not be erected within a distance of 100m; 200 m, 250m or 300m from any ramp gore and any yellow line break point at an interchange where the speed limit is equal to or less than 60km/h; between 61-80km/h; between 81-100km/h or greater than 100km/h respectively; and
- (d) not be erected within 50m; 100m or 200m from any road sign where a speed limit has been imposed which is equal to or less than 60km/h; between 61-80km/h or greater than 81km/h respectively.

(2) A billboard may not be displayed on a road reserve.

### **Duration of Permit**

5.(1) A billboard may be permitted for a period of 5 years in urban areas of minimum control and in urban areas of partial control subject to conditions which may be imposed by the Municipality.

(2) Upon expiry of a permit granted for the display of a billboard, the permit holder has three months prior to the date of expiry to re-apply for a permit, failing which the permit to display lapses on date of expiry.

### **Safety**

6. Any billboard displayed or altered must–

- (a) comply with any other applicable law;
- (b) not be detrimental to the nature of the environment in which it is located by reason of scale, intensity of illumination or design;
- (c) not partially or wholly obscure any approved outdoor advertising sign previously erected and legally displayed;
- (d) not constitute a danger to any person or property;
- (e) not encroach over the boundary line of the property on which it is erected;
- (f) not be erected if considered by an organ of state to be a distraction to drivers, cyclists or pedestrians which could contribute to unsafe traffic conditions;
- (g) not have red, amber or green as its main colours when it is located at signalised traffic intersections;
- (h) not obscure or interfere with any road traffic light or sign;
- (i) not constitute a road safety hazard or cause undue disturbance or where permitted to be illuminated if such illumination, in the opinion of Municipality, constitutes a road safety hazard or causes undue disturbance; and
- (j) not impede traffic flow on public roads during their display and maintenance, unless prior permission from the Municipality has been obtained and the necessary precautions have been taken and arranged.

### **General**



7.(1) A billboard may have a maximum of eight bits of information and a minimum lettering height of 500 mm.

(2) The application number for the billboard must be displayed in a visible area on the sign.

(3) All non-locality bound billboards must be clearly identified in term of ownership.

(4) The billboard must where applicable display the name of the advertising company who is the lessee of immovable property on which the billboard is displayed.

### **SCHEDULE 3: GROUND SIGNS**

#### **Area of Control**

1. Ground signs may be permitted in all areas of control.

#### **Size and Height**

2. A remote, non-locality bound ground sign which does not have an overall height in excess of 7m above the ground at any point nor dimensions which exceed 6m in length and 3m in height, and a total area of 18m<sup>2</sup> per face, shall be deemed to be of appropriate dimensions.

#### **Position and number of signs**

3.(1) Only one on-site, locality bound, freestanding ground sign per premises may be permitted where—

- (a) it is necessary to facilitate the location of the entrance or access to a business premises;
- (b) it is not reasonably possible to affix appropriate signs to the building;
- (c) the business premises is so set back as to make proper visibility of signs on the building not feasible; or
- (d) the existence of a freestanding composite sign may prevent the proliferation of signage.

(2) An on-site, locality bound freestanding ground sign in the form of a business sign and tower structure may be permitted in terms of the National Building Regulations and applicable laws, provided that no such sign may—

- (a) exceed 7m in overall height;
- (b) have a clear height of less than 2,4m, excluding service facility signs and free standing composite signs;
- (c) exceed 12m<sup>2</sup> (measured as total height x total width of the advertising structure) when such sign is a combination sign;
- (d) be restricted to one such sign per site per street frontage or as otherwise permitted at the Municipality's discretion; and

(e) contain advertising matter other than exclusively directional on more than 50% of the area of any face thereof.

(3) A ground sign with dimensions which exceed those contemplated in subsection (2) shall not be erected unless, in the opinion of the Municipality, such sign screens premises which detract or are likely to detract from the amenities of the neighbourhood by reason of their appearance or the use to which they are put.

#### **Duration of Permit**

4. (1) A non-locality sign which is a billboard may be displayed for a maximum of 5 years.

(2) A locality bound sign may be displayed for a period as specified in the permit.

#### **General**

5.(1) This class of sign includes service facility signs, such as those displayed at filling stations.

(2) Any area between a ground sign and the street line shall be grassed or otherwise ornamented at the expense of the applicant and to the satisfaction of the Municipality.

(3) Ground signs shall include project boards and development boards.

#### **Development boards**

6. (1) Development boards may—

- (a) be a maximum of 18m<sup>2</sup> in size; and
- (b) be displayed for a maximum of 24 months.

(2) If a development takes longer than 24 months to complete, a new application for the display of a development board must be submitted.

(3) The following information must be displayed on a minimum of 50% of development boards while the picture of the development shall take up the rest of the space—

- (a) name and type of development;

- (b) developer's details;
- (c) opening date;
- (d) estate agents' details; and
- (e) on-show details.

## **SCHEDULE 4: FLAT SIGNS**

### **Area of Control**

1. Flat signs are permitted in all areas of control.

### **Environmental Impact Assessment**

2.(1) Applications for remote flat signs which exceed 36m<sup>2</sup> must be accompanied by an Environmental Impact Assessment and an approved building plan for the structure.

### **Size and Height**

3.(1) The maximum projection of any part of a flat sign shall be 180mm where the underside of such sign measures less than 2,4m from a footway or pathway immediately below it, and the maximum projection shall be 300mm where the underside of such sign measures more than 2,4m above such footway or ground level.

(2) A flat sign may not exceed 54m<sup>2</sup> in total area or exceed 50% of the visible wall surface area to which they are attached, affixed or painted, whichever is the lesser.

### **Position**

4.(1) On-site, locality bound flat signs shall be permitted to be attached to the front, side and back walls of a building.

(2) On site, non-locality bound flat signs shall only be permitted to be attached to the side and back walls of buildings which do not fulfil the function of a building facade.

(3) A non-locality bound flat sign may only be permitted on blank return and back walls that have no sections which may be opened or that compromise any architectural features of the building.

(4) A flat sign shall not extend beyond the ends of the wall to which it is attached in any direction.

(5) A flat sign may not cover any windows or other external openings of a building or obstruct the view from such openings.

**Number**

5. Only one flat sign per enterprise per wall may be permitted by the Municipality.

**Duration of Permit**

6.(1) A non-locality sign which is considered in the assessment thereof to be a billboard may be displayed for a maximum of 5 years.

(2). A locality bound sign may be displayed for a period as specified in the permit.

**Content**

7. A locality bound flat sign may not contain advertising matter other than exclusively directional on more than 50% of the area of any face thereof.

**General**

8. A flat sign displayed in urban landscapes of partial to maximum control may not exceed 50% of the visible wall surface area.

## **SCHEDULE 5: PROJECTING SIGNS**

### **Area of Control**

1. Projecting signs may be permitted in areas of partial and minimum control.

### **Size and Height**

2.(1) Projecting signs may have a maximum thickness of 300mm.

(2)The minimum clear height of a projecting sign shall be 2,4m.

### **Position**

3.(1) Projecting signs may not extend beyond the ends of the wall to which it is attached.

(2) Projecting signs must have a minimum clearance of 450mm from the edge of a roadway and 1,5m from any overhead electricity wires or cables.

(3) The maximum projection of a sign may–

(a) be 1,5m in the case of a projecting sign which has a clear height of more than 7,5m; or

(b) 1m where the sign has a clear height of less than 7,5m.

(4) Projecting signs must be installed at right angles to the street facade or to the direction of oncoming traffic.

(5) A projecting sign may not be displayed within 5m of any other projecting sign displayed on the same building.

### **Number**

4. Only one projecting sign per enterprise per street-facing is permitted.

**Duration of Permit**

5.(1) A projecting sign shall be permitted for the duration of the business.

(2) A projecting sign may not be displayed where a business is no longer in operation.

**General**

6.(1) All projecting signs must be locality bound.

(2) Projecting signs may not contain advertising matter other than exclusively directional on more than 50% of the area of any face thereof.

(3) Letters on a projecting sign must be written horizontally.



## **SCHEDULE 6: ROOF SIGNS**

### **Area of Control**

1. Roof signs may only be permitted in harbour and industrial zones, and in commercial zones below road level.

### **Size and Height**

2. The maximum permitted size of a roof sign shall depend on the area of the specific roof, the character of the building and a consideration of the urban- and streetscape as a whole.

### **Position**

3. Roof signs must be placed in such a manner so as not to interfere with the run-off of rainwater from the roof of the building.

### **Design and Construction**

4.(1) Roof signs must be thoroughly secured and anchored to the building on or over which they are to be erected and all structural loads shall be safely distributed to the structural members of the building without the use of guys, stays or other restraining devices.

(2) A roof or sky sign, including all its supports and framework, shall be constructed entirely of non-combustible materials approved by the Municipality and if illuminated, shall not be placed on or over the roof of any building unless such sign, as well as the entire roof construction, is constructed of non-combustible material.

### **General**

5. (1) Locality bound roof signs may be permitted with the consent of the Municipality.

(2) Roof signs may not obstruct the view or affect the amenity of any other building.

(3) Roof signs shall not contain advertising matter other than locality bound roof signs. An locality bound roof sign may not have more than 50% of the area of the face of the sign containing advertising matter.

(4) A roof sign may not be used for third party advertising.

## **SCHEDULE 7: SKY SIGNS**

### **Area of Control**

1. A sky sign may only be displayed at landmark sites in areas of minimum or partial control and in special advertising zones with the specific consent of the Municipality.

### **Position**

2.(1) A sky sign may not project in front of a main wall of a building so as to extend beyond the roof of such building in any direction.

(2) A sky sign may not obstruct the view of or affect the amenity of any other building.

(3) A sky sign must be placed in such a manner so as not to interfere with the run-off of rainwater from the roof of the building.

### **Number**

3. Additional remote advertising signs may not be erected on a building where approval for the display of a sky sign has been granted.

### **Duration of Permit**

4. A locality bound sign may be displayed for a period as specified in the permit.

### **Safety**

5. A sky sign must be properly secured and anchored to the building on or over which it is to be erected and all structural loads shall be safely distributed to the structural members of the building without the use of guys, stays or other restraining devices.

### **Design and Construction**

6. A sky sign, including all its supports and framework, shall be constructed entirely of non-combustible materials approved by the Municipality and if illuminated, may not be placed on or over the roof of any buildings unless such sign, as well as the entire roof construction, is constructed of non-combustible material.

**Content**

7. The content of a sky sign is limited to advertising for branding purposes and the display of advertising campaigns is prohibited.

**General**

8.(1) All applications for the display of a sky sign must be accompanied by an engineer's certificate.

(2) An engineer's certificate must be submitted to the Municipality within five days of completion of the structure.

**SCHEDULE 8:  
VERANDA, BALCONY, CANOPY AND UNDER-AWNING SIGNS**

**Area of Control**

1. Veranda, balcony, canopy and under-awning signs are permitted in all areas of control.

**Size and Height**

2. An under-awning sign suspended below the roof of a veranda, canopy or balcony must-

- (a) be 1,8m in length, 610mm in height and 300mm in thickness;
- (b) have a minimum thickness of 100mm; and
- (c) have a minimum height of 2,4m above the pavement, footpath or street.

**Position**

3.(1) A sign may be affixed flat on to or painted on a parapet wall, beam or fascia of a veranda or balcony.

(2) A sign may not be allowed on or over architectural features of buildings, any may not cover any window or obstruct the view from any such opening or detract from the aesthetics of the building.

(3) A sign contemplated in item 3 (1) may not-

- (a) exceed 1m in height;
- (b) project beyond any of the extremities of the surface to which it is affixed;
- (c) project more than 300mm in front of the surface to which it is affixed; and
- (d) extend within 450mm of the edge of a roadway unless the clear height of such sign is a minimum of 3.7m.

**Number**

4. One sign is permitted to be displayed per property.

**Duration of Permit**

5. Only one sign per enterprise per street-facing is permitted.

### General

6. Signs will be permitted for the duration of the enterprise.

### Design and Construction

7.(1) Any sign which is attached to a building of the height set out in Column 1 of Table 1 below, shall be so situated that no part of such sign has a depth greater than that set out in Column 2. For the purpose of such Table, the height of the building shall be measured as its vertical height above the ground at the point where the sign is to be erected.

<b>TABLE 1</b>	
<b>Column 1</b>	<b>Column 2</b>
<b>Height of building</b>	<b>Maximum Depth of Sign</b>
Not exceeding 17 m	9 m
Exceeding 17 m but not exceeding 34 m	12 m
Exceeding 34 m but not exceeding 43 m	14 m
Exceeding 43 m	15 m

(2) In calculating the depth of any sign in accordance with the above Table, signs placed one above the other in the same vertical plane on the same building, or tier of that building, shall be deemed to be one sign, whether or not such signs belong to different owners or are displayed under separate permits.

### General

8.(1) An under-awning sign suspended below the roof of a veranda, canopy or balcony must—

- (a) be 1,8m in length, 610mm in height and 300mm in thickness, with a minimum thickness of 100mm;
- (b) have a minimum height of 2,4m above the pavement, footpath or street;
- (c) have its axis of symmetry at right angles to the street line;
- (d) be centralised within the width of the veranda or canopy to which it is attached;

- (e) be allowed with a minimum spacing of 3m centre to centre between signs;
- (f) contain advertising matter other than on an exclusively directional sign which may not contain more than 50% advertising matter of the area of any face thereof; and
- (g) be designed, supervised and certified by an engineer.

(2) A sun-blind and awning must be constructed and fixed in such a manner as to be incapable of being lowered to less than 2,2m above the footway or pavement directly beneath it. Such signs must be parallel to the building line and may not interfere with vehicular or pedestrian traffic, traffic lights or traffic signs.

(3) A sign must not be displayed above the lower edge of any visible second-floor window.

**SCHEDULE 9:  
POSTERS, BANNERS & FLAGS (TEMPORARY SIGNS)**

**Area of Control**

1. Posters, banners and flags are permitted in all areas of control.

**Size**

2. Any person who displays a poster, banner or flag advertisement to be displayed must ensure that–

- (a) any advertisement relating to an election, meeting, function or event must–
  - (i) be of maximum A1 in size;
  - (ii) have a clear height of minimum 2,4m; and
  - (iii) be securely fixed to durable hardboard, approved backing board or any other material, frame or fixing as approved by the Municipality; and
- (b) in the case of private property, where the event, function or meeting is taking place, the maximum size of a banner shall be 6m<sup>2</sup>.

**Position**

3.(1) There must be a minimum of 120m spacing between posters for the same event.

(2) No posters are permitted to be displayed on bridges, traffic lights, traffic signs (includes supporting structure for such signs), natural features, trees, freeways, road centre islands or national roads.

(3) No posters are permitted to be displayed on roads with a speed limit >60km/h.

(4) Any advertisement relating to an election, meeting, function or event may not be placed in such a manner that the content of separate advertisements when read in succession forms a continuous relative legend.

(5) The positioning of posters is restricted to electricity lamp standards.



(6) Temporary advertisements may not be displayed on any national roads, highways, freeways and other areas as identified by the Municipality from time to time.

#### **Number**

4.(1) Any person displaying any poster advertisement relating to a election, meeting, function or event shall be permitted one poster per electricity lamp-post.

(2) A maximum of two event posters, one street-pole banner or one poster is permitted per pole for two unrelated events.

#### **Duration of Permit**

5. (1) A poster may not be displayed for more than 14 days prior to commencement of the event and must be removed within the prescribed period provided for in the permit

(2) The provisions contained in subsection (1) do not apply to election posters.

#### **General**

6.(1) Every person intending to display or erect any temporary advertisement or sign, for which the prior written permission of the Municipality is required, shall submit a written application to the Municipality, which shall be accompanied by the following-

- (a) proof of advertisement to which the application relates, prior to printing, and
- (b) a distribution list of the streets in which the advertisement is to be displayed.

(2) Commercial advertising on a poster may not occupy more than 10% of the surface of the advertisement and must be displayed at the bottom of the poster.

(3) Every poster for which permission is granted shall visibly display the Municipality's sticker or marking and the Municipality shall be entitled to retain one such poster for identification purposes.

(4) Posters erected on Electricity Poles are subject to removal for maintenance work as and when necessary, and no notice is required to be given for their removal.

(5) Any person who is granted permission to display posters must pay a prescribed deposit to the Municipality: Provided that such deposit shall not be refunded to the applicant where they fail to remove the posters within the specified period following the taking place of the advertised event.

**SCHEDULE 10:  
AERIAL ADVERTISEMENTS**

**Area of Control**

1. Aerial advertisements may be permitted in all areas of control.

**Size**

2. An aerial advertisement may not exceed 36m<sup>2</sup> in size.

**Height**

3. No aerial advertisement may be flown at a height of more than 45m from the surface or ground.

**Number**

4. Only one aerial advertisement is permitted per event.

**Duration of Permit**

5. An aerial advertisement may only be displayed for the duration of the event.

**Safety, Design and Construction**

- 6.(1) An engineer must provide a certificate confirming that the structure and tethering is suitable for display of the aerial advertisement.

(2) The engineer's certificate contemplated in subsection (1) must accompany the applicant's application to display the sign.

**General**

- 7.(1) Any written application for the display of an aerial advertisement must be accompanied by the following, where applicable—

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

(2) Aerial advertisements shall be permitted for events of a sporting, civic, cultural or political nature only and shall not be displayed or caused to be displayed on, from or over Municipal property, including any street or public place.

## **SCHEDULE 11: ADVERTISING VEHICLES**

### **Area of Control**

1. Advertising vehicles are permitted in all areas of control, except in Central Business Districts.

### **Size and Height**

2. The advertising panel or portion of the vehicle used for transit advertising shall be a total of 18m<sup>2</sup> per panel and a maximum of eight bits is permitted per panel.

### **Position**

3. (1) An advertising vehicle may not be placed or parked on any property in a manner where it is visible from a public place.

(2) An advertising vehicle parked on private property for the purpose of storage must be positioned in such a manner as not to be visible from any street or public place.

(3) The Municipality may identify municipal property where the parking or placement of advertising vehicles may be permitted.

### **Duration of Permit**

4. A permit to display may be granted for a maximum period of two years.

### **Safety**

5. The safety conditions as contained in section 27 of the By-law apply.

### **General**

6.(1) Every application for the display of an advertising vehicle must be accompanied by–

- (a) particulars of the materials of which the advertising sign is made, its dimensions, the manner of its construction and the method by which it is secured to the advertising vehicle;
- (b) the name, address and telephone number of the owner of the vehicle or, if the owner resides or has his place of business outside the boundaries of the eThekweni Municipal area, of the person having control of the vehicles at all times;
- (c) a copy of the current vehicle licence and registration certificate issued in respect of such vehicles, as required in term of the Road Traffic Act, and
- (d) public liability insurance in the Municipality's favour for a minimum of R2,5 million.

**SCHEDULE 12:  
FLAGS ON-SITE (PRIVATE PROPERTY)**

**Area of Control**

1. An application for flags on-site on private property may be considered for properties which are in areas of minimum control and partial control.

**Size and Height**

2. The minimum sizes of flags must be in accordance with the national standards for national flags on flag-poles.

**Position**

3.(1) Flags on-site may be attached to a building or boundary wall, but may not encroach on municipal property.

(2) The length of a pole attached to a building may not exceed two m in length.

(3) An on-site flag attached to a flag-staff must have a minimum ground clearance of 2,5m and the pole must not exceed 4m in height.

**Number of signs**

4. A maximum of 4 flags displaying the name of the business which are street-facing may be permitted to be displayed.

**Duration of Permit**

5. A permit may be granted for the duration as specified in the permit

**Safety, Design and Construction**

6.(1) Flags must be constructed of durable PVC materials and the flag-pole must be resistant to rust and corrosion.

(2) All flag-faces must be secured so that they may not be caused to be blown by the wind to the extent that they de-attach from the pole.



**SCHEDULE 13:  
ESTATE AGENTS BOARDS AND CONTRACTORS BOARDS**

**Area of Control**

1. Estate agent's boards are permitted in all areas of control.

**Position**

2. Estate agent boards must be placed within a distance as determined by the Municipality from the boundary of the property or the perimeter fence and at right angles from the perimeter fence or boundary of the property.

**Number of signs**

3.(1) The number of estate agent's boards permitted per property are as follows:

- (a) area of maximum and partial control – a maximum of two signs per residential property where there is more than one agent selling or leasing the property;
- (b) area of partial control (commercial) - a maximum of three signs per commercial property where there is more than one agent selling or leasing the property; and
- (c) area of minimum control (industrial) – each agent to have only one sign on the perimeter fence where there is more than one agent selling or leasing the property.

(2) A residential property real estate agent is permitted two estate agent's boards per property per street-facing in respect of "For Sale/For Rent" signs if there is more than one selling agent.

(3) A maximum of six estate agent's boards may be displayed to direct members of the public to a property "on show".

(4) An "on show" estate agent's board may be displayed from 13h00 on a Saturday and must be removed before 09H00 on the following Monday.

(5) A maximum of four contractors boards are permitted per site.

### **Duration of display of estate agent's board**

4. An estate agent's board must be removed within 30 days from date of sale or leasing of property to which it relates.

### **General**

5.(1) Estate Agents must be registered with the Development Management's General Advertising Branch of the Municipality in accordance with the provisions of this By-law.

(2) A commercial real estate agents' board may only state "For Rent", "To Let" or "For Sale".

(3) A commercial property board must be a maximum of 2m<sup>2</sup> in size.

(4) A residential property board may only be 0.552m<sup>2</sup> in size.

(5) A contractor's board may not be less than 0.9m<sup>2</sup> or exceed 1.5m<sup>2</sup> in size.

### **Contents and position**

6.(1) A ground sign displayed by a commercial property estate agent may not—

(a) exceed 4 m in height;

(b) exceed 3m<sup>2</sup> in size;

(c) be displayed on vacant land without special consent having been obtained by the Principal of the agency;

(d) contain photographs of the Agent; and

(e) be positioned outside the boundaries of the vacant land which is for sale.

(2) An estate agent may only display one free-standing board per street face.

**SCHEDULE 14:  
COMMUNITY POLICING FORUM (CPF) AND CONSERVANCY SIGNS**

**Area of Control**

1. Community Policing Forum and Conservancy Signs are permitted in all areas of control in a public place situated at or close to a Police Station.

**Size and Height**

2.(1) The maximum height of a ground sign may only be 4m and the face of the ground sign may only be 1.5m x 1m.

**Position**

3.(1) CPF boards may be positioned on municipal property.

(2) Banners and flags are only permitted inside the perimeter fence of the venue on the day of a meeting of the CPF or conservancy and are exempt from application fees.

**Number**

4. A CPF or conservancy ground sign is limited to one ground sign per street or road frontage.

**Duration of Permit**

5. (1) An approval of CPF or conservancy signs may only be granted for maximum of 5 years.

**Safety, Design and Construction**

6. The structure and face of the ground sign may not be illuminated.

**General**

7.(1) An application for permission to display a CPF or conservancy sign must be made by the chairperson of the CPF or Conservancy, and the application must include–

- (a) a motivation letter by the chairperson;
- (b) a letter from the Station commander of the South African Police Service or a letter confirming the status of the conservancy from the Deputy-Head: Environmental Management; and
- (c) a proposed site or position which must be approved by the eThekweni Traffic Authority.

(2) Only 30% area of the sign board may be reserved for sponsorships.

(3) The telephone number, logo and website address of the CPF or conservancy must be displayed on the ground sign.

**SCHEDULE 15:  
SIGNS AT STADIA AND SPORTS GROUNDS**

**Area of Control**

1. Locality bound signs are permitted in all areas of control.

**Size and Type**

2. The size and types of signs permitted at stadia will be determined by environmental factors such as traffic, land use and visual impact of the area where the stadium or public sports ground is located.

**Position**

3. The appropriateness of the position may be determined by the sign's environmental impact and the provisions of the By-law.

**Number**

4. One type of sign per street facing is permitted.

**Duration of Permit**

5. (1) Signs in stadia may be displayed for a determined period as stipulated in the permit.  
  
(2) A temporary sign may only be displayed if the Stadium Management has obtained written permission from the Municipality and such signs may only be displayed for the duration of the event.

**Safety**

6. The safety conditions as contained in section 27 of the By-law apply.

**General**

7.(1) The following classes of permanent signs will be considered at stadia, and include:

- (a) ground signs;
- (b) wall signs;
- (c) fascia signs; and
- (d) National and Sports Affiliation Flags.

(2) Temporary signs may be considered for use within the premises of the venue while an event is taking place and includes but is not limited to, inflatable signs, banners and flags.

**SCHEDULE 16:  
SIGNS AT SCHOOLS**

**Area of Control**

1. Signs at schools are permitted in all areas of control.

**Size and Content**

2.(1) A school must submit an application to the Municipality where it intends to display signs where the total areas of the signs exceed 12m<sup>2</sup>.

(2) A sponsor's content on all permitted signs may not exceed 50% on signs which display the school's name.

**Position**

3. A suitable position for a sign will be determined by the Municipality and will be a condition of approval for a permit.

**Number**

4.(1) One billboard of a maximum size of 18m<sup>2</sup> will be permitted per school subject to the requirements of the display of a billboard.

(2) One ground sign may be permitted per street-face.

**Duration of Permit**

5. All sponsored signs and billboards are permitted to be displayed for a maximum of 5 years.

**Safety**

6.(1) The supporting structures of ground signs must be padded and raised 3m from the ground.

(2) Branding may be permissible on the padding contemplated in subsection (1).

### **Design and Construction**

7. All signs displayed must be cladded according to Municipal specifications.

### **General**

8.(1) An application for the display at signs at schools must be signed by the Chairperson of the School Governing Body.

(2) Sponsor signs which display only the sponsor's content must face within the school premises.

(3) An application for the display of a sponsor sign must be accompanied by a copy of the contract entered into between the school and the sponsor.

(4) A school may apply for the display of a fifty-fifty sign on a wall which permit is renewable every 5 years.

(5) A school who displays signs in term of the permit issued by the Municipality is exempt from the payment of annual levies.



**SCHEDULE 17:  
HOME BUSINESS SIGNS**

**Area of Control**

1. Home business signs are permitted in all areas of control.

**Size and Height**

2.(1) One sign, per street frontage premises on which a home business is conducted, is permitted with a maximum size of 0,6 m<sup>2</sup>.

(2) A home business sign may not be illuminated.

**Position**

3. The home business sign must be strictly on the boundary of the property.

**Number**

4. One sign per street frontage premises on which a home business is conducted is permitted.

**Duration of Permit**

5. A permit is valid for the duration of the validity period of a Consent Use Approval from the Development Planning Department.

**Safety**

6. The safety conditions as contained in section 27 of this By-law apply.

**Design and Construction**

7. The Municipality may consider an application for a home business sign to be painted on the premises perimeter walls, subject to conditions.

**General**

8.(1) Home businesses are required to obtain Consent Use approval from the eThekweni Municipality Development Planning Department before displaying any signs on their premises.

(2) Each sign may display the name of the business, address and contact details and a maximum of eight bits of information is permitted.

(3)The following types of signs may not be displayed–

- (a) free-standing signs;
- (b) illuminated signs;
- (c) signs with moving parts;
- (d) electronic signs;
- (e) banners;
- (f) flags;
- (g) projecting signs;
- (h) canopy and under-awning signs;
- (i) project replica signs;
- (j) inflatable signs; and
- (k) wrapping of trees on Municipal property.

**SCHEDULE 18:  
BUILDING WRAP SIGNS**

**Area of Control**

1. A building wrap sign may only be permitted in areas of minimum and partial control.

**Size and Height**

2. The Municipality shall determine the shape, dimension and area of the sign on a case-by-case basis.

**Duration of the permit**

3. An approval for a building wrap sign may be granted for a maximum period of 12 months.

**General**

4. The Municipality may permit the external illumination of a building wrap sign.

**SCHEDULE 19:  
AREAS OF CONTROL**

<b>MAXIMUM</b>		<b>PARTIAL</b>		<b>MINIMUM</b>
Natural landscape	Rural landscape	Urban landscape	Urban landscape	Urban landscape
National Parks	Municipal Parks	Metropolitan	Central Business	Central
Nature reserves	Horticultural areas	Open Space System	Districts	commercial
Forestry areas	Private Open	Private Open Spaces	Commercial & office	railway/industrial
Natural environments	Spaces	Public Open Spaces	components of	zones
Marine Reserves	Public Open	Pedestrian malls	residential amenities	
Beaches and	Spaces	Pedestrian squares	Commercial	Industrial areas
Sea shores	Rural small	Community facilities	enclaves in	Industrial zones
Oceans	holdings	Urban small holdings	Commercial nodes &	Transport nodes
Extensive agriculture	Intensive	All Residential zones	ribbon development	Traffic corridors
	agriculture	Scenic features	Municipal /	Transportation
	Scenic drives	Scenic drives	government	terminals
Scenic corridors	Scenic routes	Gateways	Entertainment	
Scenic landscape	Scenic features	River corridors	districts or	
		Wetlands	complexes	
River corridors	Peri-urban and		Educational	
Wetlands	Traditional areas	Conservation Areas	institutions	
Open Spaces	ITB areas	Heritage &	Sports fields &	
		Battlefield sites	stadia	
		Historic or graded	Mixed use &	
		buildings and areas	interface areas	
		Visual zones along	Visual zones along	
		urban freeways	urban roads	