

**MIDVAAL**  
**OUTDOOR ADVERTISING**  
**BY LAW**

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## CHAPTER 1 INTRODUCTORY PROVISIONS

### 1. DEFINITIONS

In this By Law, unless the context otherwise indicates -

- (1) **“Promotion of Administrative Justice Act, 2000”** means the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000) and amendments or substitutions thereof as well as all Regulations promulgated there under.
- (2) **“advertisement”** means any visible representation of a word, logo, sign, name, letter, figure, object, mark, symbol, painting, drawing, or other pictorial representation, abbreviation, or light which is not intended solely for illumination or as a warning against any danger, or any combination thereof with the object of transferring information or drawing the attention of the public to or promoting any product, service, business or commercial enterprise, trade, person, election or candidature in an election, voter registration, entertainment, function, meeting or other event, or aspects relating to security and news headlines, which is visible from any street or public place, but does not include a road traffic sign.
- (3) **“advertisements on forecourts of business premises”** mean notices, advertisements, advertising signs or advertising structures displayed in forecourts of businesses to draw attention to any commercial services, goods for sale, or other services available at the premises, but exclude combination signs at filling stations and roadside service areas.
- (4) **“advertisement for sale of goods or livestock”** means an advertisement, advertising sign or advertising structure announcing such a sale on land or property not normally used for commercial purposes and may include an advertisement announcing auctions of household goods on residential properties, or livestock or game on farms, including, but not limited to the display of an advertisement announcing the proposed sale of property or land by means of a public auction to be advertised within the road reserve.
- (5) **“advertisement trailers”** mean trailers of a relatively light construction carry double-sided “billboard-type” advertisements and are parked at strategic locations for the sole purpose of advertising.
- (6) **“advertiser”** means the person or organization, whose product or service is being advertised, or whose name or image is mentioned or promoted in an advertisement.
- (7) **“advertising”** means the act or process of notifying, warning, informing, making known, displaying or any other act of transferring information on a visible manner, with particular reference to an advertisement and **“advertise”** has a corresponding meaning.
- (8) **“advertising structure”** means a screen, fence, wall or other physical structure or object erected to be used, intended to be used, or used for the purpose of posting, displaying or exhibiting any advertisement or which is, in itself, an advertisement.
- (9) **“advertising impact assessment”** means a report wherein the impact of the advertisement, advertising sign or advertising structure is addressed, including but not limited to the impact on the environment, visual impact, illumination of the advertisement, advertising sign or advertising structure, and road safety impact of an advertisement, advertising sign or advertising structure.

- (10) **“advertising on towers, bridges, pylons and gantries”** consist of signs affixed to towers and bridges not used primarily for advertising purposes, including but not limited to advertising signs on cellular telephone base station towers, water towers, radio towers, silos, masts and similar structures and advertising signs attached to pylons and gantries.
- (11) **“advertising sign”** means any advertising structure together with the advertisement displayed on the structure.
- (12) **“aerial sign”** means any advertising sign painted on, attached to, displayed or produced by an aircraft, which is suspended in the air and over any part of the area, or any such item which is, in itself, and advertisement.
- (13) **“affix”** means to firmly secure, which includes “painting onto” and **“affixed”** shall have a corresponding meaning.
- (14) **“aircraft”** includes but are not limited to a captive balloon, kite, an unmanned free balloon, a manned free balloon, an airship (moored), an aeroplane (banner towing or smoke signals), a craft for parasailing, a hang-glider, a model- or radio-controlled aircraft, an aircraft towed behind a vehicle or vessel for the purpose of flight or any similar item.
- (15) **“animation”** means a process whereby an advertisement’s visibility or message is enhanced by means of moving units or pictures, flashing lights or similar devices, and includes but is not limited to subliminal flashes, or an advertisement containing a variable message.
- (16) **“applicant”** means the person or entity who applies to the Council for approval of an advertisement, advertising sign or advertising structure.
- (17) **“approved”** means approved in writing by the Council and **“approval”** or **“written approval”** has a corresponding meaning.
- (18) **“arcade”** means a covered pedestrian thoroughfare not vested in the Council, whether or not located at ground level passing wholly or partly through a building and to which the public normally has regular and unrestricted access.
- (19) **“area of advertisement”** means the total area of that which constitutes the advertisement.
- (20) **“area of control”** means the degree of advertising control to be applied in a specific area.
- (21) **“area of jurisdiction”** means the area under the control of the Council according to the legally determined and declared boundaries of the Council.
- (22) **“area of maximum control”** means all natural and rural landscapes as well as urban areas of maximum control.
- (23) **“arterial road”** means a road, which, in the opinion of the road authority, functions as a main carrier of traffic within an urban area.
- (24) **“balcony”** means a platform projecting from a wall, enclosed by a railing, balustrade or similar structure, supported by columns or cantilevered out and accessible from an upper-floor door or window.

- (25) **“banner”** means a piece of cloth, plastic sheet, paper, mache or any similar pliable material or on calico or other woven material upon which an advertisement is displayed in such a manner as to be fully legible in windless conditions, attached to one or more ropes, poles or flagstaff, or suspended between two ropes, poles or flagstaff, projecting vertically, horizontally or at an angle, or attached to buildings, walls, fences or to specific structures provided for this purpose, but excludes banners carried as part of a procession, and includes but are not limited to locality-bound advertisements of functions, events and enterprises and non-locality-bound advertisements for streetscaping projects.
- (26) **“billboard”** means any screen or board larger than 4.5m<sup>2</sup>, supported by a structure, which is to be used or intended to be used for the purpose of posting, displaying or exhibiting an advertisement.
- (27) **“blind”** means a vertical screen attached to shop windows or verandas in order to keep sun and rain from shop fronts and sidewalks, and which may be rolled up when not in use, and **“sunblind”** has a corresponding meaning.
- (28) **“bridge”** means a bridge as contemplated in the National Road Traffic Act).
- (29) **“building”** means any structure whatsoever with or without walls, and with or without a roof or canopy.
- (30) **“building line”** means a building line determined under an applicable town planning scheme or any other law or document that has the force of law.
- (31) **“bus shelter”** means a covered structure at a bus stop or mini taxi rank.
- (32) **“candela”** means the standard SI unit of luminance intensity relating to the illuminating power of a light source in a given direction.
- (33) **“canopy”** means a structure in the nature of a roof projecting from the façade of a building and cantilevered from the building or anchored otherwise than by columns or posts.
- (34) **“category one posters”** mean posters erected to advertise public and charitable events, functions, occasions, meetings or campaigns of a religious, educational, cultural, political, social, sporting or recreational nature, including but not limited to posters erected to advertise an auction.
- (35) **“category two posters”** mean posters erected for commercial advertising as and when permitted in the sole discretion of the Council, and when applicable, on structures for which specific provision has been made for by the Council, under circumstances where the Council may deem it necessary or appropriate to erect such structures.
- (36) **“category three posters”** mean posters displaying selected news headlines of a specific edition of a newspaper.
- (37) **“category four posters”** mean posters for public awareness and community-based campaigns and notices of a public meeting.
- (38) **“category five posters”** mean posters erected for national, provincial or municipal elections, by-elections, referenda and registration processes.

- (39) **“centre of economic activity”** means an enterprise or group of enterprises outside of urban areas and which may include farm stalls, roadside service areas, accommodation facilities, food services, industries and cottage industries as well as shops and other commercial facilities.
- (40) **“centre point of intersection”** means the point of contact between the centre lines of two roads.
- (41) **“clear height”** means the minimum vertical distance from the ground, road or surface level, as the case may be, directly below an advertising sign, to the lowest level of the advertisement or to the advertising sign or advertising structure.
- (42) **“combination sign”** means an advertisement comprising a number of smaller, individual advertisements, usually displaying different products or services, placed next to each other on a single free standing advertising structure specially designed to accommodate more than one advertisement presented on an on-premises business sign.
- (43) **“commercial advertising”** means any words, letters, object, mark, logos, figures, symbols, pictures relating to the name of a business, a trade, a partnership or an individual or any information, recommendation or exhortation in respect of any particular goods manufactured or sold or any particular services rendered or offered.
- (44) **“commercial posters”** means posters erected for commercial advertising on structures for which specific provision has been made for by Council.
- (45) **“Council”** means:
- (a) the **MIDVAAL LOCAL MUNICIPALITY**, exercising its legislative and executive authority through its municipal council; or
  - (b) its successors in title or assign; or
  - (c) the Executive Committee of the **MIDVAAL LOCAL MUNICIPALITY**; or
  - (d) the Mayoral Committee of the **MIDVAAL LOCAL MUNICIPALITY**; or
  - (e) any officer employed by the **MIDVAAL LOCAL MUNICIPALITY**, acting by virtue of any power vested in the **MIDVAAL LOCAL MUNICIPALITY** in connection with this By Law and delegated to him/her by the **MIDVAAL LOCAL MUNICIPALITY** in connection with this By Law; or
  - (f) any structure or person exercising a delegated power or carrying out an instruction, where any power in this By Law has been delegated or sub-delegated, or an instruction given, as contemplated in Section 59 of the Municipal Systems Act, 2000 (Act no. 32 of 2000);
- as the case may be.
- (46) **“council land”** means any portion of land including road, street, thoroughfare, bridge, subway, footpath, sidewalk, land, square, open space, garden, park or enclosed place, erf, site or similar object vested in the Council.
- (47) **“custom-made billboard”** means a billboard between 8m<sup>2</sup> and 81m<sup>2</sup> which feature special effects such as internal illumination, specialist character cut-outs and three-dimensional presentations.
- (48) **“development board”** or **“development advertisement”** means a project board which includes advertising signs describing the type of development being carried out on a site and giving details of the type of accommodation being provided, floor space available, the name, address and telephone number of the developer or his agent and other similar information.

- (49) **“directional board”** or **“direction sign”** means a guidance sign provided under the South African Road Traffic Sign System and used to indicate to the road user the direction to be taken to a place, undertaking or activity for the purpose of advertising it.
- (50) **“display”** means the display of an advertisement.
- (51) **“display period”** means the exposure time during which the individual advertising message is on display.
- (52) **“election”** means either a national, provincial or local government election, any by-election, inclusive of the registration process and referendum held from time to time and held in terms of any law.
- (53) **“electronic advertising sign”** means an advertising sign which has an electronically or digitally controlled, or both electronically and digitally controlled, illuminated display surface, which allows for different advertisements to be shown, changed, animated or illuminated in different ways and at different intervals on one such sign.
- (54) **“engineer”** means a person registered 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).
- (55) **“entertainment area”** means an area the main purpose of which is to be used as a park, sports field, barbeque area or for other recreational purposes.
- (56) **“erf”** means an erf, stand, lot, plot, agricultural holding, farm or similar land entity registered in a deed’s registry.
- (57) **“estate agent’s board”** means an advertisement which is temporarily displayed to advertise the fact that land, property, development or any other form of real estate is for sale, to let, on show or sold.
- (58) **“event”** means an occasion organized for the general public.
- (59) **“event and parliament posters”** mean posters erected to advertise public and charitable events, functions, occasions, meetings or campaigns of a religious, educational, cultural, political, social, sporting or recreational nature, including but not limited to posters for parliamentary or municipal elections, by-elections, referenda and registration process; and posters erected to advertise an auction as well as public awareness and community-based campaigns and notices of a public meeting.
- (60) **“existing sign”** means a sign, which has been previously approved by Council, whether erected or not.
- (61) **“external illumination”** means spot lights or any other form of light directed at the advertisement, advertising sign or advertising structure.
- (62) **“façade”** means the principal front or fronts of a building.
- (63) **“flag”** means a cloth or similar material upon which locality-bound advertisements of functions, events and enterprises and non-locality-bound advertisements for streetscaping projects, are displayed and which is attached to a single rope, pole or flagstaff projecting vertically from a property or projecting vertically, horizontally or at an angle from a building or property.



- (64) **“flashing sign”** means a sign in which a symbol, figure, message or illustration intermittently appears and/or disappears and/or illuminated with varying colour or intensity.
- (65) **“flat sign”** means an advertisement affixed to any external or main wall of a building used for commercial, office, and industrial or entertainment purposes, excluding a parapet wall, balustrade or railing of a veranda or balcony of such a building.
- (66) **“footpath”** means that portion or lateral extremities of the street which, although not actually defined or made, is habitually used by pedestrians as a sidewalk.
- (67) **“forecourt”** means an outdoor area which forms a functional part of a building housing an enterprise, and includes, but are not limited to:
- (a) the area at a filling station where the pumps are situated, a terrace in front of a restaurant or café or a sidewalk café
  - (b) any enclosing fence, wall, screen or similar structure;
- but excludes sidewalk areas in front of business premises which are intended for pedestrian circulation.
- (68) **“free-standing sign”** means any immobile sign, which is not attached to a building or to any structure or object not intended to be used for the primary purpose of advertising.
- (69) **“freeway”** means a road or section of a road designated as a freeway by the MEC by an appropriate road traffic sign in terms of the National Road Traffic Act or deemed to be a freeway under the National Road Traffic Act.
- (70) **“functional advertisements by public bodies”** means an advertisement displayed only for announcement or direction of the functions of municipalities or other statutory undertakers.
- (71) **“gantry”** means a ground-mounted structure that spans over the entire width of a roadway or a structure that spans over part of a road way.
- (72) **“gateway”** means a prominent entrance to or exit from an urban area or a specific part of an urban area, consisting of man-made or natural features and creating a strong sense of arrival or departure.
- (73) **“height “means** the maximum vertical distance from the ground, road surface or surface level, as the case may be, to the top of the advertisement or the advertising sign or advertising structure.
- (74) **“human living environment”** means all human settlements such as villages, towns or cities, which may consist of various components such as residential, employment and recreation areas and which require environmental management to provide services such as water, public spaces and waste removal and to protect the quality of the environment.
- (75) **“illegal sign”** means any sign or poster, painted, affixed, displayed, exhibited, posted or erected without approval by Council.
- (76) **“illuminated”** means the installation of electrical equipment or other power for the purpose of illuminating the complete advertising message, either continuously or intermittently and “illumination” has a corresponding meaning.
- (77) **“illuminated advertising sign”** means a sign, the continuous or intermitted functioning of which depends upon it being illuminated.

- (78) **“interested party”** means any person who has in terms of this By Law submitted and application or submitted comments or an objection or made representations in respect of any such application.
- (79) **“internal illumination”** means an illuminated advertising sign whereof the source of light is not visible from outside the advertising sign.
- (80) **“intersection”** means an intersection as defined in the National Road Traffic Act, and includes the area embrace within the prolongation of the lateral boundary lines of two or more public streets, open to vehicular traffic, that join one another at any angle, whether or not one such public road crosses the other.
- (81) **“kerb”** means the boundary between the roadway and the footpath.
- (82) **“large billboard”** means any billboard between (and including) 18m<sup>2</sup> and 40m<sup>2</sup> in area of advertisement.
- (83) **“large poster”** means a self-supporting advertisement, mounted on poles or structures, the base of which is firmly embedded and fixed in the ground.
- (84) **“limited use area”** means an area 50 metres outside the road reserve boundary of a freeway to which the same restrictions apply as the actual freeway reserve but where consent is given under certain circumstances or the display of specific sign types in order to indicating enterprises situated in such a limited use area.
- (85) **“locality-bound sign”** means a sign displayed on a specific erf, site, property or building and which refers to an activity, product, service or attraction located, rendered, sold or provided on that property or site or inside that building.
- (86) **“location sign”** means a type of guidance sign provided under the South African Road Traffic Sign System and used to identify places or locations, which either provide reassurance during a journey or identify destinations such as towns, suburbs or streets near the end of a journey.
- (87) **“luminance”** means the measure of how bright an illuminated area appears to the human eye and is measured in candela/m<sup>2</sup>.
- (88) **“main roof of building”** means any roof of a building other than the roof of a veranda or balcony.
- (89) **“main wall of building”** means any external wall of such building, but shall not include a parapet wall, balustrade or railing of a veranda or a balcony.
- (90) **“maximum height”** means the distance from ground, road or surface level to the utmost top point of the advertisement and / or the advertising sign.
- (91) **“National Building Regulations and Building Standards Act”** means the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), any amendments thereto or substitutions thereof, as well as any Regulations promulgated there under.
- (92) **“National Road Traffic Act”** means the National Road Traffic Act, 1996 (Act 93 of 1996) any amendments to it or substitutions thereof as well as all Regulations promulgated there under.

- (93) **“natural area”** means an area of the rural or non-urban environment which is in an un-spoilt natural state or is of high scenic value, and includes, but is not limited to, national parks, game reserves, nature reserves, marine reserves, wilderness areas, areas of extensive agriculture and scenic areas.
- (94) **“natural landscape”** means relatively un-spoilt areas outside urban areas, which are, in the opinion of the Council, in a relatively natural state, and which are, in the opinion of the Council, areas of a high scenic value, including but not limited to:
- (a) national parks;
  - (b) game reserves;
  - (c) nature reserves;
  - (d) marine reserves;
  - (e) wilderness areas;
  - (f) extensive agriculture;
  - (g) scenic corridors; and
  - (h) scenic landscapes.
- (95) **“neighbourhood watch signs”** mean outdoor signs for neighbourhood watch, farm watch and similar watch schemes indicating that a watch scheme is in operation in the area, whether or not it contains the name, address and telephone number of a security company contracted to protect the property on which the sign is displayed.
- (96) **“NEMA”** means the National Environmental Management Act, 1988 (Act no. 107 of 1988), any amendments thereto or substitutions thereof, as well as all Regulations made thereunder.
- (97) **“newspaper posters”** means posters used to display selected news headlines of a specific edition of a newspaper.
- (98) **“on-premises business sign”** means an advertising sign located on a property other than a public place, or on a public street and adjacent to a property other than a public place, on which sign an advertisement is displayed, advertising any business, industry, service, activity or attraction taking place or provided on that property and **“on-premises advertising”** has a corresponding meaning.
- (99) **“outdoor advertising”** means the erection and display of any advertisement, advertising sign or advertising structure in or in view of any public place.
- (100) **“owner of an advertisement”** means the person who owns the advertisement which is displayed on the advertising sign, or any person who has a right to or share in the ownership of the advertisement, or any person whose details appear on the advertisement.
- (101) **“owner of an advertising sign”** means the person who owns the advertising sign or any person who has a right to or share in the ownership of the advertising sign, or any person whose details appear on the advertising sign.
- (102) **“owner of an advertising structure”** means the person, who owns the advertising structure, or will own the structure once it has been erected or any person who has a right to or share in the ownership of the advertising structure or any person whose details appear on the advertising structure.
- (103) **“owner of the property”** means the person registered as the owner or holder thereof and includes the trustee in an insolvent estate, the liquidator of a company or a close corporation which is an owner and the executor of any owner who has died or the representative recognized by law of any owner who is a minor or of unsound mind or is

otherwise under disability: provided such trustee, liquidator, executor or legal representative is acting within the authority conferred on him or her by law.

- (104) **“pedestrian”** means any person afoot.
- (105) **“perpendicular”** means with a 90° angle to the existing building or road at the position of the advertisement or advertising sign.
- (106) **“person”** means both natural and juristic persons.
- (107) **“posters”** or **“notices”** mean temporary signs attached to electrical light structures within the road reserve and any placard displaying an advertisement announcing or attracting public attention to any meeting, event, function, activity or undertaking or to the candidature of any person nominated for election to parliament, local government or similar body or to a referendum, and consist of category one posters, category two posters, category three posters, category four posters and category five posters.
- (108) **“premises”** means the area on a property where the advertisement, advertising sign or advertising structure is erected or displayed or intended to be erected or displayed and **“site”** has a corresponding meaning.
- (109) **“product replica and three-dimensional advertisement”** means a replica or device used for advertising that may free-standing or attached to a structure and includes an inflatable object that is not an aerial advertisement.
- (110) **“prohibited area”** means the area as depicted in Figure 2 Schedule 3 and **“restricted area”** has a corresponding meaning.
- (111) **“prohibited sign”** means a sign, which does not conform to advertising By-laws and By Law documentation and can never be approved.
- (112) **“project boards”** mean advertising signs displaying the involvement of and information with regard to contractors and consultants in minor or major construction projects or alterations to existing structures or facilities to advertise their involvement on the site where the construction works are taking place, and displayed on the construction site.
- (113) **“projected sign”** means any sign projected by cinematography or other apparatus, but does not include a sign projected onto the audience’s side of a drive-in cinema screen during a performance.
- (114) **“projecting signs”** mean signs which are affixed to an external or main wall of a building used for commercial, office, and industrial or entertainment purposes.
- (115) **“property”** means any piece of land registered as a separate entity of land in a deeds registry as an erf, lot, plot, farm, stand or agricultural holding and includes any unit and land contemplated in the Sectional Title Act, 1986 (Act No. 95 of 1986) and any public place depicted on the general plan of a township.
- (116) **“public place”** means any road, street, public street, thoroughfare, bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park, or enclosed space vested in the Council and includes a public road.
- (117) **“public street”, “public road”** or **“road”** means a road, street or thoroughfare, or any other enclosed space to which the public has a right of access or which is commonly used by the public and which is vested in the Council in terms of any law, or other right of way to which the public has a right of access or which is commonly used by the public

and includes any portion of a public street between the edge of the roadway and the boundary of the land reserved for such public street, including the shoulder, a sidewalk and the land of which the road consist or over which the road extends, and anything on that land forming part of, connected with, or belonging to the road.

- (118) **“pylon sign”** means any sign, whether stationary or actuated, displayed on or forming an integral part of a pylon or mast or similar structures other than a building or advertising structure.
- (119) **“residential building”** means a building, other than a dwelling house and dwelling unit, designed for use or used for human habitation and includes a guest house, boarding house, hotel, residential club and hostel.
- (120) **“residential oriented land use and community services signs”** means a variety of smaller notices and signs:
- (a) to be displayed on buildings or property utilised for residential-oriented purposes and community services; and
  - (b) may include but are not limited to signs affixed flat onto or painted on a building and other existing structure.
- (121) **“residential purposes”** means the use of a building as a dwelling house, two or more dwelling units, a hostel, a boarding house and a residential club.
- (122) **“road island”** means an area demarcated on a roadway by means of painted lines, stones, kerbs or by other means with the intention of preventing vehicles from standing or being operated in that area.
- (123) **“road median”** means the area separating traffic lanes on a roadway.
- (124) **“road reserve”** means the full width of a public road, including roadways, shoulders, sidewalks, the air space above it and all other areas from boundary to boundary.
- (125) **“road reserve boundary”** means the proclaimed boundary forming the outer edge of the road reserve.
- (126) **“roadside service area”** means an area with direct access from a municipal or provincial road in which facilities and services such as petrol and diesel sales, restaurants, fast food outlets, toilets, playgrounds and picnic spots may be provided for motorists.
- (127) **“roads authority”** means the relevant government department responsible for road traffic matters and to render comment/s on advertising applications.
- (128) **“road traffic sign”** means any road traffic sign as defined in the National Road Traffic Act, the detailed dimensions and applications of which are controlled by SARTSM.
- (129) **“roadway”** means the portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic which is between the edges of the traveled way.
- (130) **“roof signs”** mean advertising signs which are fixed to the roofs of buildings and used or partly used for commercial, office, industrial or entertainment purposes, where the structure of a building hinders or prohibits the application of any other appropriate sign type, which may also include any sign consisting of a single line of free-standing, individual, cut-out, silhouetted letters, symbols or emblems, but excludes advertising signs fixed to roofs of verandas or balconies.

- (131) **“rural landscape”** means the areas of transition between developed urban areas and relatively un-spoiled natural areas and includes, but are not limited to:
- (a) Intensive agriculture;
  - (b) rural small holdings;
  - (c) unproclaimed township areas; and
  - (d) areas outside the urban edge as determined by the relevant town planning scheme.
- (132) **“SARTSM”** means the South African Road Traffic Sign Manual issued by the Department of Tourism or Transport, and any amendments or substitutions thereof.
- (133) **“sale of goods or livestock (auction sale) signs”** means self supporting signs announcing the sale of goods or livestock on land or on premises not normally used for commercial purposes, inclusive but not limited to auction sales of furniture and other household goods on residential property, sales of goods on business or offices premises, auction sales of immovable property or an auction of livestock or game on a farm.
- (134) **“security signs”** mean outdoor advertisements for security schemes and other similar schemes, containing the name, address and telephone number of a security company contracted to protect the property on which the advertisements is displayed.
- (135) **“service facility advertisement or sign”** means an advertisement on a combination sign at a filling station or roadside rest and service area referring to the types of services provided at such facility.
- (136) **“shoulder”** means the outer portion of the roadway which, whether surfaced or not, does not normally constitute part of the traveled way.
- (137) **“sidewalk”** means the area between an erf boundary and the curb of the road surface, intended for the exclusive use of pedestrians and **“pavement”** has a corresponding meaning;
- (138) **“signs incorporated in the fabric of a building”** means advertisements incorporated in and forming an integral part of the fabric of a building, but excludes advertisements fixed to or painted on a building.
- (139) **“sky sign”** means a very large sign between 75m<sup>2</sup> and 300 m<sup>2</sup> on top of sky scrapers in metropolitan areas, which may include any sign consisting of a single line of free-standing, individual, cut-out, silhouetted letters, symbols or emblems.
- (140) **“small billboard”** means a billboard smaller than 18m<sup>2</sup> in area of advertisement.
- (141) **“sponsored road traffic signs”** means signs relating to the sponsoring of projects specifically intended for road users aimed at the provision of road services, the promotion of road safety or the management and conservation of roadside environments, including but not limited to logos or brand names to be displayed on the sides of SOS telephones by sponsors.
- (142) **“storey”** means the space within a building, which is situated between one floor level and the next floor level next above, or if there are no clearly defined storeys, the height of a storey shall be taken as 4,5m.
- (143) **“street”** means any street, road or thoroughfare shown on the general plan of a township, agricultural holding or any other division of land in respect of which the public have acquired a prescriptive or other right of way and which vests in Council.

- (144) **“street furniture”** means public facilities and structures which are not intended primarily for advertising but which are provided for pedestrians and commuters, including but not limited to seating benches, planters, pavement litter bins, pole-mounted bins, bus shelters, pavement clocks and drinking fountains, but excludes road traffic signs, traffic lights, street lights or any other road related structures.
- (145) **“street name advertisement or sign”** means pole-mounted, double sided, internally illuminated advertisements displayed in combination with street name signs.
- (146) **“streetscape”** means the visual product of all the features within and adjacent to a public street such as street furniture, signage and landscaping;
- (147) **“suburban advertisements”** mean pole-mounted location signs at entrances to towns or suburbs carrying an advertising sign beneath the road traffic sign bearing the name of the town or suburb and **“suburb name signs”** have a corresponding meaning.
- (148) **“super billboard”** means a billboard larger than 40m<sup>2</sup> up to 81m<sup>2</sup> in area of advertisement.
- (149) **“temporary advertisement”** means occasional signs and advertisements which are displayed to publicise a forthcoming event, to advertise a short-term use of the advertisement site, or to announce the sale or renting of real estate or the sale of goods and commodities, displayed for a maximum period of 30 days or less as determined by the Council and **“temporary advertising sign”** has a corresponding meaning.
- (150) **“temporary window signs”** mean advertising signs which are temporarily painted on or attached to the window-glass of a building used for commercial, entertainment, office or industrial purposes or any temporary advertisement which is displayed within two metres of any window or other external opening through which it can be seen from outside such a building.
- (151) **“third-party advertisement”** means any advertisement or advertising sign displayed by an advertiser not being in physical occupation of the property on which the advertisement or advertising sign is to be erected or to which the sign is to be affixed, or any advertisement or advertising sign which is not descriptive of any business, industry, service, activity or attraction situated, taking place or provided on that property and **“third party advertising”** has a corresponding meaning.
- (152) **“tourism sign”** means a road traffic sign being mostly trapezoidal shaped, white on brown colour, the main objective being to inform and guide tourists in the final stages of their journeys, which forms part of the South African Road Traffic Sign System and the SARTSM.
- (153) **“tower advertising sign”** or **“tower structure”** means a structure used for third-party advertising in a parking area of a shopping centre and at an important transport node such as an airport, railway station or bus or taxi station with a total advertisement area which will not exceed 18m<sup>2</sup>.
- (154) **“tower, bridge and pylon advertisement”** means a billboard advertisement affixed to or painted on a tower, bridge or pylon that is not erected or used primarily for advertising purposes.
- (155) **“township”** means an area divided into erven or plots, whether with or without public open spaces, and into streets bounded by the erven, plot or open spaces, and established or recognized as a township under any law.

- (156) **“trailer advertising”** means a sign mounted on an advertising trailer, transport trailer, bicycle or vehicle, which is non - stationery for the sole purpose of advertising.
- (157) **“transport trailers”** mean trailers used for the primary purpose of transporting goods and towed by trucks, vans or similar vehicles and not for the primary purpose of advertising.
- (158) **“underawning sign”** means a sign suspended below the roof of a veranda or balcony.
- (159) **“urban area”** or **“urban landscape”** means proclaimed township area, but exclude land in that area which is commonage land, or which is used or destined to be used mainly for farming or horticulture or the keeping of animals, or which consist of any other open space which has not been developed or reserved for public.
- (160) **“urban area of maximum control”** means an area which are deemed sensitive to visual disturbance and include, but are not limited to:
- (a) natural open spaces in urban areas;
  - (b) urban conservation areas;
  - (c) interface of natural landscape with built-up areas;
  - (d) gateways;
  - (e) all residential areas;
  - (f) home undertakings within residential areas;
  - (g) proclaimed plots and urban smallholdings;
  - (h) bodies of water and rivers;
  - (i) ridges;
  - (j) forests;
  - (k) open and passive recreational areas;
  - (l) scenic areas;
  - (m) architectural and historical sites;
  - (n) characteristic vistas across built-up areas or down streets or avenues;
  - (o) heritage sites;
  - (p) special tourist areas;
  - (q) historical or contextual streetscapes;
  - (r) visual zones along urban freeways; and
  - (s) skylines.
- (161) **“urban area of minimum control”** includes, but are not limited to areas seen as:
- (a) centres, areas and nodes of concentrated economic activity where the dominant concern and motivation is to conduct business and to sell products and services, such as areas of concentrated economic activity;
  - (b) commercial districts;
  - (c) shopping centers;
  - (d) office precincts;
  - (e) commercial enclaves and shopping centers;
  - (f) industrial areas and industrial parks;
  - (g) entertainment districts or complexes;
  - (h) prominent transport nodes, excluding nodes of exceptional historical and architectural value; and
  - (i) mine dumps.
- (162) **“urban area of partial control”** means areas that can be characterized by a greater degree of integration and complexity of land use, includes but are not limited to a 50m strip between an area of minimum control and an area of maximum control, which will be measured from the edge of the area of maximum control into the area of minimum control, and includes but are not limited to:



- (a) residential areas with high-rise apartment blocks, interspersed with shops and offices;
  - (b) commercial enclaves or suburban shopping centers and office parks in residential areas;
  - (c) commercial ribbon development along main streets;
  - (d) schools and educational institutions;
  - (e) institutional enclaves;
  - (f) sports fields or stadiums;
  - (g) commercialised squares; and
  - (h) government enclaves.
- (163) **“vehicular advertising”** means advertising on self-driven vehicles which are usually moving on land or water, including taxi’s, buses, trains and delivery vehicles, but exclude aircraft.
- (164) **“veranda”** means a structure in the nature of a roof attached to or projecting from the façade of a building and supported along its free edge by columns or posts.
- (165) **“veranda, balcony, canopy and underawning signs”** means advertising signs:
- (a) affixed flat onto or painted on:
    - (i) a parapet wall, balustrade or railing of a veranda or balcony.
    - (ii) the fascia of a veranda or a beam over veranda columns.
    - (iii) the fascia of a roof structure without walls such as a roof covering petrol pumps at a filling station.
  - (b) suspended below the roof of a veranda or balcony;
  - (c) placed on top of the roof of a veranda
  - (d) affixed to or painted on a pillar, column or post supporting a veranda, balcony or a roof structure without walls.
  - (e) painted or printed on the fabric of a canopy or blind.
- (166) **“visual zone”** means the road reserve of a public road and any area that is visible from any spot on such a road reserve, but does not include an area situated at a distance of more than 250m from the road reserve boundary of a road in an urban area.
- (167) **“window signs”** mean signs which are permanently painted on or attached to the window-glass of a building used for commercial, entertainment, office or industrial purposes, or any other permanent sign which is displayed within two metres of any window or other external opening through which it can be seen from outside such a building.

## 2. APPLICATION OF THIS BY LAW

- (1) This By-Law applies to all outdoor advertising in the area and jurisdiction of the Council.
- (2) Approval for outdoor advertising in terms of this By Law is required irrespective of the zoning of any property in terms of any applicable town planning scheme and irrespective of the provisions of any other law.
- (3) The owner of an advertisement, advertising sign or advertising structure and:
  - (a) any person who has applied for approval of an advertisement, advertising sign or any advertising structure in terms of this By Law; and
  - (b) any person who displays, erects or uses such an advertisement, advertising signs or advertising structure,

must comply with all provisions of this By Law relating to that advertisement, advertising sign or any advertising structure and must ensure that such provisions are complied with, subject to anything to the contrary contained in such provision.

## CHAPTER 2 ADMINISTRATIVE PROCEDURES

### 3. APPROVAL OF ADVERTISING SIGNS

- (1) No person may display, erect, use or continue to use any advertisement, advertising sign or any advertising structure, without first having obtained the written approval of the Council: Provided that the provisions of this Subsection do not apply to any advertisement, advertising sign or advertising structure exempted in terms of Section 9 or Section 53.
- (2) No advertisement, advertising sign or any advertising structure erected and displayed with the approval of the Council contemplated in Subsection (1) may in any way be altered, moved, re-erected or upgraded, nor shall any alteration be made to the electrical wiring system of such advertisement, advertising sign or advertising structure other than for maintenance work which may be required for the upkeep of an advertising sign, without prior written approval of the Council, subject to such conditions and requirements as the Council may consider appropriate.
- (3) An application for approval in terms of Subsection (1) or Subsection (2) must be made by submitting a duly completed application form in duplicate, on the prescribed form as set out in Schedule 1 hereof, signed by the applicant, the owner of the proposed advertisement, advertising sign or advertising structure and by the registered owner of the property or building upon which the advertisement, advertising sign or advertising structure is to be erected or displayed, or on behalf of the owner of the proposed advertisement, advertising sign or advertising structure and the registered owner of the property or building upon which the advertisement, advertising sign or advertising structure is to be erected or displayed, by his or her agent duly authorised in writing by such owner, to the Council at the relevant office of the Council, which written application must be accompanied by:
  - (a) the prescribed fee, as determined by the Council from time to time;
  - (b) save for advertisements, advertising signs or advertising structures in respect of Classes 2 (c), 2(d)(i), 2(d)(ii), 2(d)(iii), 2(d)(iv), 2(d)(v), 2(f) relating to security signs, 3(g), 3(i), 4(a), 5(b), a locality plan, in colour and in duplicate, indicating the proposed position of the advertisement, advertising sign or advertising structure within the area of jurisdiction of the Council: provided that the Council may require the locality for signs in excess of 10m<sup>2</sup> to be indicated and described by an accurate Geographical Positioning System reading or an acceptable alternative.
  - (c) In respect of advertisement, advertising signs or advertising structures in Classes 1(a), 1(b), 1(c), 1(d), 2(g), 3(l), 4(b), a diagram, in duplicate, of the property on which the advertisement, advertising sign or advertising structure is to be erected or displayed, prepared by a land surveyor and drawn to a scale of not less than 1:500 indicating the position of the proposed advertisement, advertising sign or advertising structure and showing every building, building line and servitude on the property and the position with dimensions of the advertisement, advertising sign or any advertising structure in relation to two boundaries of the property closest to the

proposed advertisement, advertising sign or any advertising structure and the location of any public street and any building on a property adjacent to the property upon which such sign is to be erected;

- (d) save for advertising signs in respect of Classes 2(d)(i), 2(d)(ii), 2(d)(iii) and 5(b), a drawing, in duplicate, showing the proposed advertisement, advertising sign or advertising structure and the distances in relation to any other advertisement, advertising sign or advertising structure situated within a radius of 400m in natural and rural areas of maximum control and 200m in urban areas of maximum, partial and minimum control, from the proposed advertisement, advertising sign or advertising structure as well as a colour photograph of each and every advertisement, advertising sign or advertising structure within the said radius of 400m and 200m respectively.
- (e) In respect of advertisements, advertising signs or advertising structures in classes 1(a), 1(b), 1(c), 1(d), 2(a), 2(f) in respect of neighbourhood watch, excluding security signs, 2(g), 3(b), 3(c), 3(d), 3(e), 3(j), 3(k), 3(l), 4(b) a drawing, in duplicate, sufficient to enable the Council to consider the appearance of the advertisement, advertising sign or advertising structure, which drawing shall show all details of the advertisement, advertising sign or advertising structure and all relevant construction detail, and elevations and sections to a scale of 1:50, or other scale acceptable by the Council.
- (f) a full description of the materials and finishes to be employed shall be provided on the plan, elevations and sections;
- (g) in respect of advertisements, advertising signs or advertising structures in classes 1(a), 1(b), 1(c), 1(d), 2(g), 3(b) and 3(c) an artist's impression, in duplicate, of the final product in its setting, showing all the detail and measurements of the proposed advertisement, advertising sign or advertising structure;
- (h) in respect of advertisements, advertising signs or advertising structures in classes 1(a), 1(b), 1(c), 1(d), 2(a), 2(b), 2(c), 2(d)(iv), 2(f) in respect of neighbourhood watch signs, 2(g), 3(d), 3(k), 3(l), 4(a), 4(b) and 4(c) the original written building line relaxation in terms of any law, in all cases where a building line is encroached, as well as a copy of such written approval;
- (i) if a sign is to be attached to or displayed on the facade of a building in respect of advertisements, advertising signs or advertising structures in classes 1(d), 2(a), 2(b), 2(g), 3(b), 3(c), 3(d), 3(j), 3(k), 3(l) and 4(b), the approved building plans, in duplicate, of that building showing an elevation and measurements of the building, and the details, measurements and position of the proposed advertisement, advertising sign or advertising structure and the details and the position of every existing advertisement, advertising sign or advertising structure on the building drawn to a scale of 1:50, or a coloured print of or an artist's photographic or computer generated impression of the building with the details of the proposed advertisement, advertising sign or advertising structure superimposed on such graphic and drawn as nearly as is practicable to the same scale as that of the graphic.
- (j) an engineer, with relevant experience in the opinion of the Council, shall certify and take full written responsibility, on a form as set out in Schedule 2 hereof, for all structural work contemplated as well as the structural safety by the applicant, by means of an original letter of appointment of such engineer in respect of advertisements, advertising signs or advertising structures in classes 1(a), 1(b), 1(c), 1(d), 2(a) only in respect of large posters, street furniture excluded, 2(f) in

respect of neighbourhood watch excluding security signs, 2(g), 3(b), 3(c), 3(d), 3(j), 3(k), 3(l), 4(b), 4(d), with particular reference, but not limited, to certification to the Council that the structure will be adequate to secure, fix or support any advertisement, advertising sign or any advertising structure to resist all loads and forces to which the advertisement, advertising sign or any advertising structure, may be exposed and the sufficiency of the margin of safety against failure, in compliance with the provisions of the National Building Regulations and Building Standards Act.

- (k) The Council may require the submission of additional drawings, calculations and other information by an engineer, in each case giving details to the Council's satisfaction, to enable it to establish the adequacy of the proposed means of securing, fixing or supporting any advertisement, advertising sign or advertising structure, to resist all loads and forces to which the advertisement, advertising sign or advertising structure may be exposed and the sufficiency of the margin of safety against failure, in compliance with the provisions of the National Building Regulations and Building Standards Act.
- (l) In respect of advertisements, advertising signs or advertising structures in classes 1(a), 1(b), 1(c), 1(d), 2(a), 2(b), 2(d)(iv), 2(f) in respect of neighbourhood watch signs, 2(g), 3(b), 3(c), 3(d), 3(e), 3(h), 3(j), 3(k), 3(l), 4(a), 4(b) and 5(a) copies, in duplicate, of the applicable Title Deeds in respect of each property on which the advertisement, advertising sign or advertising structure is to be erected, displayed and used;
- (m) an approved Surveyor General diagram, in duplicate, of the property in respect of advertisements, advertising signs or advertising structures in classes 1(a), 1(b), 1(c), 1(d), 2(g), 3(l) and 4(b);
- (n) in respect of advertisements, advertising signs or advertising structures in classes 1(a), 1(b), 1(c), 1(d), 2(a), 2(b), 2(c), 2(d)(iv), 2(f) [only in respect of neighbourhood watch signs), 2(g), 3(b), 3(c), 3(d), 3(e), 3(h), 3(j), 3(k), 3(l), 4(a), 4(b), 4(c), 4(d), 5(a) and 5(c), the original zoning certificate, together with a copy thereof, of the property concerned issued under an applicable town planning scheme;
- (o) in respect of advertisements, advertising signs or advertising structures in classes 1(a), 1(b), 1(c), 1(d), 2(a), 2(b), 2(c), 2(d)(iv), 2(f) [only in respect of neighbourhood watch signs), 2(g), 3(b), 3(c), 3(d), 3(e), 3(h), 3(j), 3(k), 3(l), 4(a), 4(b), 4(c), 4(d), 5(a) and 5(c), a zoning map, in duplicate, indicating the land uses in terms of the applicable town planning scheme of the property concerned and every property adjacent to the property upon which the advertisement, advertising sign or advertising structure is to be erected;
- (p) in the event of a subdivision, rezoning, township establishment or any other activity which requires promulgation, proof of such promulgation, in duplicate, as well as proof of registration, in duplicate, of such new rights in the Deeds Office as far as such registration is a requirement in terms of any law or the rights approved on the particular property;
- (q) in respect of applications for approval of advertisements, advertising signs or advertising structures in classes 1(a), 1(b), 1(c), 1(d), 3 (b) and 3(l):
  - (i) the original and a copy of the Environmental Impact Assessment approval by the Gauteng Department of Agriculture, Conservation and Environment; and
  - (ii) a report, in duplicate, pertaining to visual, social and traffic safety aspects;

- (r) in respect of applications for approval of advertisements, advertising signs or advertising structures in classes 1(a), 1(b), 1(c) and 1(d), the written permission of the department within the Council who is responsible for road traffic matters;
- (s) in respect of applications for approval of advertisements, advertising signs or advertising structures in classes 1(a), 1(b) and 1(c), an advertising impact assessment in duplicate;
- (t) in respect of advertisements, advertising signs or advertising structures in class 2(d)(iii):
  - (i) A street list, in duplicate, indicating positions of the posters to be erected;
  - (ii) A non-refundable deposit as determined by the Council from time to time;
  - (iii) An example of every poster to which the application relates;
  - (iv) A colour photograph of each poster to be so displayed;
  - (v) An example of the frame in which the posters will be displayed.
- (u) In respect of category five posters in class 2(d)(iii) and class 3(d) advertisements, advertising signs or advertising structures, an affidavit by the applicant or owner of the poster, advertisement, advertising sign and advertising structure as contemplated in Section 31(13)(a) and Section 37(16);
- (v) In respect of advertisements, advertising signs or advertising structures in class 3(d), a structural drawing if such sign will have a clear height of more than 6m;
- (w) In respect of advertisements, advertising signs or advertising structures in classes 3(j), 3(k) and 3(l) copies of building plans, in duplicate, in respect of the advertising structure, or a written confirmation by the relevant official within the Council that building plans are not required;
- (x) In respect of advertisements, advertising signs or advertising structures in class 3(l):
  - (i) where an advertisement, advertising sign or advertising structure is to be affixed to a bridge or gantry, a traffic impact assessment report, in duplicate;
  - (ii) the original, together with a copy, of the written comment by the roads authority;
  - (iii) for signs larger than 9m<sup>2</sup> an advertising impact assessment in duplicate.
- (y) In respect of advertisements, advertising signs or advertising structures in class 4(a), the original, together with a copy, of the written comment by the roads authority;
- (z) In respect of advertisements, advertising signs or advertising structures in class 4(b), the original together with a copy of the consent by:
  - (i) the roads authority responsible for the road adjacent to the service facility;
  - (ii) in the event of such sign having to be located in the road reserve:
    - (aa) the department within the Council responsible for traffic matters; and
    - (bb) the roads authority.
- (aa) if the advertisement, advertising sign or advertising structure will be visible from a provincial or national road, the original **written comment** by the relevant road's authority, together with a copy thereof;
- (bb) if the advertisement, advertising sign or advertising structure is intended to be erected on a road reserve, road island or median or restricted area as depicted in Figure 2 Schedule 3:

- (i) the original written consent by the department within the Council responsible for traffic matters; and
    - (ii) the original written comment by the road's authority, where applicable, together with a copy of each;
  - (cc) In respect of advertisements, advertising signs or advertising structures in class 4(c) and 5(a), the original written permission by the relevant authority as set out in Section 47 and Section 49 respectively, together with a copy thereof;
  - (dd) If application is made for approval to erect any advertisement, advertising sign or advertising structure on Council land or other Council property:
    - (i) Written permission from the Council; and
    - (ii) a duly signed written agreement for the lease of such land or property.
  - (ee) If application is made to use the Corporate identity or Coat of Arms or like item of the Council, or the Corporate identity or like item of any third party, in such advertisement, advertising sign or advertising hoarding, the original written permission by the relevant department within the Council, or the owner of such Corporate identity or like item, as well as a copy thereof.
  - (ff) If the advertisement, advertising sign or advertising structure is intended to be illuminated, the original and a copy of the written permission for the electricity supply by the relevant electricity supply authority;
  - (gg) Written proof of compliance with any other law.
- (4) Every plan and drawing shall be clearly reproduced on paper or other approved material in sheet form not less than A4 size;
  - (5) In the event of the application submitted to Council not being complete or not accompanied with the documents set out in this Section, such application shall be regarded as non-compliant with this By Law and therefore not be accepted by the Council. The fees paid in respect of the submission of such non-compliant application, is not refundable, without any claim for repayment or damages of any kind whatsoever against the Council.
  - (6) The Council must refuse to accept an application if –
    - (a) any requirement of Subsection (3), Subsection (4) or Subsection (5) have not been complied with; or
    - (b) The application relates to an advertisement, advertising sign or advertising structure which is prohibited in terms of Section 10.
  - (7) The Council may require the submission of additional further written or other information in order to adequately evaluate the application, including but not limited to an advertising impact assessment report and additional information in relation to the land on which the sign is to be erected, its use and impact.
  - (8) If any information requested by the Council in terms of Section 3(3)(b), Section 3(3)(k) or Section 3(7) is not provided within 90 (ninety) calendar days from the date displayed on the first written request by the Council, or within such further period as the Council may in writing permit, the application concerned lapses without further notice.
  - (9) Proof of public notice of the application, in accordance with Section 61 must be submitted to the Council within 5 calendar days after it has been complied with: provided that if such proof is not submitted within the aforesaid period, the application shall be deemed to be non-compliant with this By Law and therefore not be accepted by the Council. The

fees paid in respect of the submission of such non-compliant application, is not refundable, without any claim for repayment or damages of any kind whatsoever against the Council.

- (10) Notwithstanding anything contained in this By Law, this By Law are to be applied to the Land Use Zones as set out in the enforceable Town Planning Scheme for the area of jurisdiction of the Council in respect of the property concerned.
- (11) A copy of every application, plan, drawing and other document submitted in terms of this Section may be retained by the Council for a period it considers appropriate.
- (12) One copy of the relevant documentation regarding the application and approval of an advertisement, advertising sign or advertising structure shall be retained by the owner of the property on which such advertisement, advertising sign or advertising structure is displayed and he shall present such documentation to the Council upon request therefore.
- (13) The Council shall register every application submitted and allocate to it a registration number.
- (14) If approved:
  - (a) Save for advertisements, advertising signs or advertising structures in respect of classes 2(b), 2(d), 4(a), 5(c), the advertisement, advertising sign or advertising structure will be allocated a number which shall be displayed on the advertisement, advertising sign or advertising structure in a suitable, clearly visible position by the owner thereof as determined by the Council, and if necessary in the opinion of the Council, in another place and in a manner to the satisfaction of the Council;
  - (b) In respect of advertisements, advertising signs or advertising structures in classes 2(b), 2(d), 4(a), 5(c), the Council will supply a sticker to be attached to the advertisement, advertising sign or advertising structure and which shall be displayed on the advertisement, advertising sign or any advertising structure in a suitable, clearly visible position by the owner thereof as determined by the Council, and if necessary in the opinion of the Council, in another place and in a manner to the satisfaction of the Council.
- (15) All advertisements, advertising signs and advertising structures approved in terms of this By Law will conform to the general requirements set out in Section 14, Section 15, Section 16, Section 17, Section 18 and Section 19 as well as the specific requirements relating to specific advertising signs as contemplated in Section 20 to Section 51. Where a contradiction exists between a general requirement and a specific requirement, the specific requirement will prevail.
- (16) Notwithstanding anything contained in this By Law, any advertisement, advertising sign or advertising structure which complies to the Council's satisfaction with the considerations referred to in Section 4, may, in its sole discretion, be approved by the Council.
- (17) [Should no written comment be provided by the relevant Road's Authority within a period of 90 calendar days from date of application submission to such Road's Authority, the Municipality may continue with the evaluation process to consider the application](#)

#### 4. CONSIDERATION OF APPLICATIONS

- (1) In considering an application in terms of Section 3, the Council must, in addition to any other relevant factor, legislation, Policy and By-laws of the Council and the Sedibeng District Municipality, have due regard to the following:

- (a) The compatibility of the proposed advertisement, advertising sign or advertising structure with the environment and with the amenity of the immediate neighbourhood, urban design and streetscape;
- (b) whether the proposed advertisement, advertising sign or advertising structure will –
  - (i) have a negative visual impact on any property zoned or used for residential purposes under any applicable town planning scheme;
  - (ii) Be detrimental to the environment or to the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or materials or for any other reason;
  - (iii) constitute a danger to any person or property or to motorists or pedestrians or obstruct vehicular or pedestrian traffic;
  - (iv) in any way impair the visibility of any road traffic sign;
  - (v) obscure or obliterate any existing and legally erected advertisement, advertising sign or advertising structure;
  - (vi) obscure any feature which in the opinion of the Council is a natural feature, architectural feature or visual line of civic, architectural, historical or heritage significance;
  - (vii) in the Council's opinion, be unsightly or objectionable or detrimentally impact on the architectural design of any building on the property concerned or any adjacent property;
  - (viii) display any material or has content which in the opinion of the Council is indecent, suggestive of indecency, prejudicial to public morals or objectionable, exploiting woman, or is discriminatory in respect of race, social standing, gender, religion or sexual preference, or be insensitive to any section of the public or to any religious or cultural groupings or the like.
- (c) Before an application for approval of any advertisement, advertising sign or advertising structure is granted or refused, it must be considered by the Council whether:
  - (i) the size of the advertisement, advertising sign or advertising structure, or any portion thereof by way of its colour, letter size, symbol, logo, graphics or illumination, will result in the advertisement, advertising sign or advertising structure having a distracting effect on the attention of drivers of vehicles to the task of driving and lead to unsafe driving conditions;
  - (ii) the size of the advertisement, advertising sign or advertising structure, together with other advertisements, advertising signs or advertising structures in the area, if any, will affect the conspicuousness of road traffic signs by virtue of potential visual clutter;
  - (iii) the number of road traffic signs and advertisements, advertising signs or advertising structures in any area constitute a driving hazard, due to the attention of drivers of vehicles being deviated from the task of driving and leading to unsafe driving conditions;
  - (iv) the position of the advertisement, advertising sign or advertising structure will negatively affect the visibility of, sight distance to or efficiency of any road traffic sign, or series of such signs;
  - (v) the colour, or combination of colours, contained in the advertisement, advertising sign or advertising structure correspond with the colours or combinations of colours specified for road traffic signs in the regulations promulgated under the National Road Traffic Act;
  - (vi) the portrayal of a road traffic sign in the content of an advertisement, advertising sign or advertising structure will constitute a road safety hazard and could be mistaken to represent a road traffic sign;
  - (vii) the speed limit, and the measure of the traffic's adherence thereto, the traffic volume, the average following headway and accident history of the road;



- (viii) The amount of information contained in the advertisement, advertising sign or advertising structure is in the opinion of the Council within reasonable limits;
  - (ix) the position of an advertisement, advertising sign or advertising structure would disrupt the flow of information from road traffic signs to drivers who encounter a series of road traffic signs intended for traffic regulation, warning or guidance;
  - (x) the position of any advertisement, advertising sign or advertising structure would potentially distract drivers' attention at places where traffic turns, negotiates curves, merges or diverges, or in the area of intersections or interchanges, or where drivers' uninterrupted attention to the driving task is important for road safety;
  - (xi) The distance of any advertisement, advertising sign or advertising structure before any road traffic sign, an advertisement, advertising sign or advertising structure's position in between road traffic signs or an advertisement, advertising sign or advertising structure's distance behind any road traffic sign is of such a nature as to distract a driver's attention from any road traffic sign.
- (d) the size and location of a proposed advertisement, advertising sign or advertising structure and its alignment in relation to any existing advertisement, advertising sign or advertising structure on the same building or on the same property if such property is greater than 1000 m<sup>2</sup> in extent, and such advertisement, advertising sign or advertising structure's compatibility with the visual character of the area surrounding it;
- (e) the number of advertisements, advertising signs or advertising structures displayed or to be displayed on the property concerned and on any adjacent property and its visibility in the circumstances in which it will be viewed in compliance with the minimum distances specified in this By Law;
- (f) any restrictive or other condition and any existing building line and servitude specified in a title deed, town planning scheme, conditions of establishment or any other law;
- (g) the area of control applicable to the property on which the proposed advertisement, advertising sign or advertising structure is to be erected and the immediate surrounding area;
- (h) any comments submitted by and conditions determined or prescribed by a statutory authority in terms of any legislation applicable to outdoor advertising;
- (i) any written representations, objections and comments received from any interested party; and
- (j) any conflict with the provisions of this By Law.
- (2) The Council may refuse any application in terms of Section 3 or approve it, subject to any amendment or condition it considers appropriate or necessary, including a condition that the owner of any advertisement, advertising sign or advertising structure or the owner of the land or building on which such advertisement, advertising sign or advertising structure is to be erected and displayed, or both such owners, indemnify the Council to its satisfaction against any consequences flowing from the erection, display or mere presence of such advertisement, advertising sign or advertising structure.

- (3) The period of approval contemplated in Subsection (2) must be specified in the approval.
- (4) The Council must forthwith, in writing, notify the applicant and every objector or person who has made representations in terms of Section 61 and who has furnished his or her postal address to the Council, of its decision, and must provide written reasons for its decision on receipt of a written request as contemplated in Section 5 of the Promotion of Administrative Justice Act, 2000.
- (5) No approval granted in terms of this Section has the effect that:
  - (a) any person is exempted from any provisions of any other law applicable to outdoor advertising; or
  - (b) The owner of an advertisement, advertising sign or advertising structure is exempted from the duty to ensure that such sign is designed, erected, completed, displayed and maintained in accordance with the provisions of this By Law and any other applicable law.
- (6) If an application in terms of Section 3 has been refused in terms of Subsection (2), no further application may be lodged in respect of the same advertising sign for a period of two years from the date of such refusal, unless motivation acceptable to the Council is submitted prior to a further application being lodged in terms of Section 3, indicating a change of circumstances.
- (7) Any advertisement, advertising sign or advertising structure for which approval has been granted in terms of Subsection (2), shall be erected and displayed in accordance with the plans, drawings or other documents approved by the Council and any condition imposed in terms of that Subsection.
- (8) The Council shall be notified in writing by the applicant once any approved advertisement, advertising sign or any advertising structure in classes 1(a), 1(b), 1(c), 1(d), 2(a), 2(b), 2(f), 2(g), 3(b), 3(c), 3(d), 3(e), 3(j), 3(k), 3(l), 4(a), 4(b), 4(c), 4(d), 5(a), 5(c) has been erected.

## **5. EXTENSION OF APPROVAL PERIOD**

- (1) Any approval shall only be effective for the display period stipulated in such written approval.
- (2) If an extension of an approved display period as contemplated in Section 8(1) is required, an application must be made by submitting a duly completed application form in duplicate, on the prescribed form as set out in Schedule 1 hereof, signed by the existing owner of the advertisement, advertising sign or advertising structure and by the registered owner of the property or building upon which the advertisement, advertising sign or advertising structure is erected or displayed, or on behalf of the registered owner of the advertisement, advertising sign or advertising structure and the owner of the property or building upon which the advertisement, advertising sign or advertising structure is erected or displayed, by his or her agent duly authorised in writing by such owner, to the Council at the relevant office of the Council, which written application must be accompanied by:
  - (a) The fee as determined by the Council from time to time;
  - (b) Written motivation for such request;
  - (c) A colour photograph of the relevant advertisement, advertising sign or advertising structure;
  - (d) In respect of advertisements, advertising signs or advertising structures in classes 1(a), 1(b), 1(c), 1(d), 2(a), 2(b), 2(d)(iv), 2(f) in respect of neighbourhood watch signs, 2(g), 3(b), 3(c), 3(d), 3(e), 3(h), 3(j), 3(k), 3(l), 4(a), 4(b) and 5(a) copies, in duplicate, of the applicable Title Deeds in respect of each property on which the

- advertisement, advertising sign or advertising structure is erected, displayed and used;
- (e) in respect of advertisements, advertising signs or advertising structures in classes 1(a), 1(b), 1(c), 1(d), 2(a), 2(b), 2(c), 2(d)(iv), 2(f) [only in respect of neighbourhood watch signs), 2(g), 3(b), 3(c), 3(d), 3(e), 3(h), 3(j), 3(k), 3(l), 4(a), 4(b), 4(c), 4(d), 5(a) and 5(c), the original zoning certificate issued not longer than 14 (fourteen) calendar days prior to the submission of this application, together with a copy thereof, of the property concerned issued under an applicable town planning scheme;
  - (f) in respect of advertisements, advertising signs or advertising structures in classes 1(a), 1(b), 1(c), 1(d), 2(a), 2(b), 2(c), 2(d)(iv), 2(f) [only in respect of neighbourhood watch signs), 2(g), 3(b), 3(c), 3(d), 3(e), 3(h), 3(j), 3(k), 3(l), 4(a), 4(b), 4(c), 4(d), 5(a) and 5(c), a zoning map issued not longer than 14 (fourteen) calendar days prior to the submission of this application, in duplicate, indicating the land uses in terms of the applicable town planning scheme of the property concerned and every property adjacent to the property upon which the advertisement, advertising sign or advertising structure is erected, displayed and used;
  - (g) an engineer, with relevant experience in the opinion of the Council, shall certify and take full written responsibility, on a form as set out in Schedule 2 hereof, for all structural work completed as well as the structural safety by the applicant, by means of an original letter of appointment of such engineer in respect of advertisements, advertising signs or advertising structures in classes 1(a), 1(b), 1(c), 1(d), 2(a) only in respect of large posters, street furniture excluded, 2(f) in respect of neighbourhood watch excluding security signs, 2(g), 3(b), 3(c), 3(d), 3(j), 3(k), 3(l), 4(b), 4(d), with particular reference, but not limited, to certification to the Council that:
    - (i) the structure is adequate to:
      - (aa) secure, fix or support the advertisement, advertising sign or advertising structure;
      - (bb) resist all loads and forces to which the advertisement, advertising sign or advertising structure, may be exposed;
    - (ii) the sufficiency of the margin of safety against failure in compliance with the provisions of the National Building Regulations and Building Standards Act, and
    - (iii) the advertisement, advertising sign or advertising structure is still in good order and condition and safe; and
    - (iv) the advertisement, advertising sign or advertising structure will remain in good order and condition and safe, for the period of the extension requested.
  - (h) comment from the roads authority in respect of advertisements, advertising signs or advertising structures in classes 3(l) and 4(a);
  - (i) if the advertisement, advertising sign or advertising structure is visible from a provincial or national road, the original written comment by the road's authority, together with a copy thereof;
  - (j) if the advertisement, advertising sign or advertising structure is intended to be erected on a road reserve, road island or median or restricted area as depicted in Figure 2 Schedule 3:
    - (i) the original written consent by the department within the Council responsible for traffic matters; and
    - (ii) the original written comment by the road's authority, where applicable, together with a copy of each;
  - (k) In respect of advertisements, advertising signs or advertising structures in class 4(c) and 5(a), the original written permission by the relevant authority as set out in Section 47 and Section 49 respectively, together with a copy thereof;
  - (l) Any further written or other information that may be requested by Council in order to adequately evaluate the application, including additional information in relation to the property on which the sign is erected, its use and impact.

- (3) In the event of the application submitted to Council, not being complete or not accompanied with the documents set out in Section 5(2) hereof, such application shall be regarded as non-compliant with this By Law and therefore not be accepted by the Council. The fees paid in respect of the submission of such non-compliant application, is not refundable, without any claim for repayment or damages of any kind whatsoever against the Council.
- (4) The Council must refuse to accept an application if –
  - (a) any requirement of Subsection (2) has not been complied with; or
  - (b) If any information requested by the Council in terms of Subsection (2)(l) is not provided within 30 days from the date displayed on the first written request, or within such further period as the Council may in writing permit, the application concerned lapses without further notice.
- (5) An application contemplated in Subsection (2) shall be submitted to the Council at least three (3) months prior to the expiry of the approved display period as contemplated in Sections 4(3) and Subsection (1) hereof.
- (6) An application for the extension of a display period contemplated in Subsection (2) may be approved for a further display period not exceeding 5 years.
- (7) If an extension of a period contemplated in Section 8(5) is required, an application must be made by submitting a duly completed application form in duplicate, on the prescribed form as set out in Schedule 1 hereof, signed by the owner of the proposed advertisement, advertising sign or advertising structure and by the registered owner of the property or building upon which the advertisement, advertising sign or advertising structure is to be erected or displayed, or on behalf of the registered owner of the proposed advertisement, advertising sign or advertising structure and the owner of the property or building upon which the advertisement, advertising sign or advertising structure is to be erected or displayed, by his or her agent duly authorised in writing by such owner, to the Council at the relevant office of the Council, which written application must be accompanied by:
  - (a) The prescribed fee;
  - (b) Written motivation for such request.
- (8) An application contemplated in Subsection (7) shall be made at least one (1) calendar month prior to the expiry of the said period.
- (9) Approval of an extended period as contemplated in Subsection (7) shall not exceed three (3) calendar months.
- (10) In the event of the application submitted to Council, not being complete or not accompanied with the documents set out in Subsection (2) or Subsection (7) hereof, such application shall be regarded as non-compliant with this By Law and therefore not be accepted by the Council. The fees paid in respect of the submission of such non-compliant application, is not refundable, without any claim for repayment or damages of any kind whatsoever against the Council.
- (11) The Council may refuse any application in terms of Subsection (2) or (7) or approve it, subject to any amendment or condition it considers appropriate or necessary, including a condition that the owner of any advertisement, advertising sign or advertising structure or the owner of the land or building on which such advertisement, advertising sign or advertising structure is to be erected and displayed, or both such owners, indemnify the Council to its satisfaction against any consequences flowing from the erection, display or mere presence of such advertisement, advertising sign or advertising structure.

- (12) The approved display period contemplated in Subsection (11) must be specified in the approval.
- (13) Only one extension of a display period contemplated in Section 8(1) not exceeding 5 year, and a display period as contemplated in Section 8(5) not exceeding 3 months, may be approved by the Council in respect of any advertisement, advertising sign or advertising structure.
- (14) The Council shall without delay and in writing notify the applicant, an objector or any person who has made representations, of its decision taken by virtue of Subsection (11).

## 6. WITHDRAWAL AND AMENDMENT OF APPROVALS

- (1) The Council may, after having considered any representations made in terms of Subsection (3), withdraw an approval granted in terms of Section 4(2) or amend any condition or impose a further condition in respect of such approval if, in the opinion of the Council, the concerned advertisement, advertising sign or advertising structure –
  - (a) is or has, as a result of a change to the nature of the environment or the amenity of the neighbourhood, streetscape or urban design existing at the time of such approval, become detrimental to the area in which it is located by reason of its size, intensity of illumination, quality of design or materials, workmanship, or its existence, or unsafe in any way or for any other reason;
  - (b) will constitute or become a danger to any persons or property;
  - (c) is in a state of disrepair or does not comply with this By Law;
  - (d) will obliterate other signs, natural features, architectural features or visual lines of civic or historical interest;
  - (e) is obscuring any other [approved](#) advertising sign, natural feature, architectural feature or visual line of civic, architectural, historical or heritage significance;
  - (f) is or has become prohibited in terms of this By Law or any other law;
  - (g) does not comply with this By Law; or does not conform to the initial approved application; and
  - (h) Was erected on the wrong location / site / erf according to the information as provided to the Council in the application.
- (2) Prior to taking any decision in terms of Subsection (1) the Council must in writing notify the owner of the advertisement, advertising sign or advertising structure concerned of its proposed decision and that he or she may within 21 days of the date of the notice make written representations concerning the proposed decision.
- (3) On receipt of the written notification as contemplated in Subsection (2) the Council will hear the representations at a date, time and place provided by the Council.
- (4) The owner of the advertisement, advertising sign or advertising structure concerned and, if applicable, the owner of the property concerned must forthwith be given notice in writing of any decision in terms of Subsection (1).
- (5) The Council must provide written reasons for its decision on receipt of a written request as contemplated in Section 5 of the Promotion of Administrative Justice Act, 2000.

## 7. APPEALS

- (1) An applicant or objector who is aggrieved by the Council's decision in terms of Section 4(2), Section 5(11) or Section 6(1) may appeal against that decision and shall give written notice of the appeal including the grounds of appeal to the relevant official within the

Council, within 21 days of the date displayed on the notification of the decision in terms of Section 4(2), Section 5(11) or Section 6(1).

- (2) A committee of Councilors who were not involved in the original decision will be the appeal authority.
- (3) Such appeal authority must commence with such an appeal within a reasonable period from date of the Notice of Appeal and decide the appeal within a reasonable period.

## 8. TIME LIMITS

- (1) Save for advertisements, advertising signs or advertising structures in classes 2(d)(ii) and 2(d)(iii), and subject to Subsection (2), approval for an advertisement, advertising sign or advertising structure shall not be granted for a display period exceeding five (5) years.
- (2) Approval for advertisements, advertising signs or advertising structures falling within the ambit of classes 2(a), 2(d)(i), 2(d)(iv) and 3(i) shall not be granted for a display period exceeding 1 (one) year.
- (3) No advertisement, advertising sign or advertising structure shall be displayed for a period exceeding the display period as contemplated in Subsection (1) or Subsection (2).
- (4) The time limit stipulated in Subsection (1) may be extended in writing by the Council, upon written application as contemplated in Section 5, subject to such conditions and requirements as the Council may deem necessary.
- (5) **All advertisements, advertising signs or advertising structures falling within the ambit of classes 1(a), 1(b), 1(c), 1(d), 2(b), 2(c), 2(f), 2(g), 3(b), 3(c), 3(d), 3(e), 3(h), 3(j), 3(k), 3(l), 4(a), 4(b), 4(c) and 4(d) shall be erected within a period not exceeding six (6) months after date of approval as contemplated in Section 4(2) or Section 5(11).**
- (6) No advertisement, advertising sign or advertising structure shall be erected after expiry of the period as contemplated in Subsection (5), without prior written approval of the Council as stipulated in Section 5, subject to such conditions and requirements as the Council may consider necessary.
- (7) Approval in terms of Section 4 in respect of any advertisement, advertising sign or advertising structure not erected within the period as contemplated in Subsection (5) or the extended period as contemplated in Subsection (6) will automatically and without further notice, lapse.
- (8) Approval of an advertising structure as contemplated in Section 4, not displaying an advertisement within six (6) months after erection of the advertising structure, shall automatically and without further notice, lapse.
- (9) If an approved advertising structure does not display an advertisement within the period as contemplated in Subsection (8), the owner of the advertising structure shall, at his own cost, remove the structure within 14 (fourteen) calendar days after expiry of the period stipulated in Subsection (8).
- (10) The Council may, without notice to anyone and after expiry of the period contemplated in Subsection (9), remove any advertisement, advertising sign or advertising structure contemplated in this Section for which no extension of time has been granted and which has not been removed within the time period specified in Subsection (8).

- (11) The person who erected or displayed any advertisement, advertising sign or advertising structure or caused, permitted or suffered it to be erected or displayed without permission of the Council having been obtained as contemplated in this Section or which has not been removed within the period specified in Subsection (8), shall be liable to refund to the Council the cost of the said removal as contemplated in Subsection (10) and destruction contemplated in Subsection (12): provided that if a deposit in terms of Section 3(3)(t)(ii) has been paid, such costs may be deducted from such deposit and the remainder of such costs be claimed from the responsible person as contemplated in Section 60.
- (12) Any advertisement, advertising sign or advertising structure removed in terms of Subsection (10), other than an advertisement, advertising sign or advertising structure which had to be damaged or destroyed in order to remove it, may be claimed by its owner within 21 days of its removal, and if not so claimed may be destroyed by the Council.
- (13) If an owner claims any advertisement, advertising sign or advertising structure in terms of Subsection (12), the advertisement, advertising sign or advertising structure concerned must be returned to him or her subject to the payment of the prescribed fee as determined by the Council from time to time.
- (14) The Council may recover the prescribed fee contemplated in Subsection (13) from any person who does not claim his or her advertisement, advertising sign or advertising structure as contemplated in Subsection (12).
- (15) The Council shall not be liable for any damages or to pay compensation of any nature to the person whose advertisement, advertising sign or advertising structure contemplated in this Section has been removed or destroyed in terms of this Section or to any other person for whatever reason as a result of such removal and destruction.

### **CHAPTER 3 EXEMPT AND PROHIBITED ADVERTISING SIGNS**

#### **9. EXEMPTED ADVERTISING SIGNS**

- (1) The following advertisements, advertising signs and advertising structures are exempt from the provisions of Section 3 of this By Law but shall comply with all other provisions of this By Law:
  - (a) Any advertisement, advertising sign and advertising structure displayed inside a sports stadium which is not visible from outside the stadium;
  - (b) Any advertisement, advertising sign and advertising structure displayed in an arcade which is not aimed at road users and which is not visible from a public street;
  - (c) Any advertisement, advertising sign and advertising structure which is displayed inside a building and which is not aimed primarily at attracting the attention of the road user;
  - (d) An advertisement, advertising sign and advertising structure which is displayed by the Council;

- (e) Any advertisement, advertising sign and advertising structure advertising a current event in a cinema, theatre or other place of public entertainment, displayed in a fixture on a building especially made for such display;
- (f) Any advertisement not in conflict with any provision of this By Law displayed on an approved advertising structure;
- (g) Banners and Flags:
  - (i) Any national flag hoisted on a suitable flag pole, which is a suitable flag pole in the opinion of the Council: provided that nothing is added to the design of the flag and no advertising material is added to the flag pole;
  - (ii) Any banner or flag carried through the streets as part of a procession;
- (h) Estate agent's boards:
  - (i) All estate agent's boards bearing the words "on show";
- (i) Advertisements incorporated in the fabric of a building:
  - (i) Any advertisement not exceeding 12m<sup>2</sup> in extent incorporated in and forming an integral part of the fabric of a building, not painted on or affixed in any manner.
- (j) Window signs:
  - (i) Any advertisement which are permanently painted on or attached to the window-glass of a building used for commercial, office, industrial or entertainment purposes.
- (k) Project boards:
  - (i) Any project board, except such boards in maximum areas of control relating to natural landscapes, not exceeding the sizes specified hereunder, excluding advertisements, advertising signs or advertising structures for ongoing maintenance contracts: provided that only one such advertisement, advertising sign and advertising structure, or set of advertisements, advertising signs and advertising structures shall be permitted per street frontage of a site:
    - (aa) Project boards, 2,4m wide x 2,4m high and with a maximum erected height of 6m, giving the names of architects, consultants and contractors and remaining for a period not exceeding two months after the completion of such work.
    - (bb) Individual contractors and sub-contractor's board: 1,2m high x 1,2m wide and remaining for a period not exceeding two months after the completion of such work.
    - (cc) Individual or single project boards or development boards shall be displayed only if no other consultants or contractors are involved or if a combined project board and development board has already been erected.
- (l) Any advertisement, advertising sign and advertising structure, excluding advertisements, advertising signs and advertising structures for ongoing maintenance contracts, other than advertisements, advertising signs and advertising structures provided for in Subsection (1)(k)(i)(aa), Subsection (1)(k)(i)(bb) and Subsection (1)(k)(i)(cc), in minimum and partial control areas, not exceeding 4,8m in width x 2,4m in height, and not exceeding a maximum erected height of 6m, and in maximum control areas 6m<sup>2</sup>, and not exceeding a maximum erected height of 6m, which portrays or describes the type of development being carried out on a site and which gives details of the type of accommodation being provided, floor space available, the name, address and telephone number of the developer or his agent, erected during construction work or the carrying out of



alternations or additions as the case may be, except such advertisements, advertising signs and advertising structures in maximum areas of control relating to natural landscapes, and remaining for a period not exceeding two months after the completion of such work.

- (m) Veranda, balcony, canopy and underawning signs:
  - (i) A veranda, balcony, canopy and underawning sign on a street frontage of a building occupied by shops, showrooms or other business uses as defined in the relevant town-planning scheme, which is below the level of the ground floor ceiling and which is displayed on or fixed to the face of a building or suspended from the soffit of a canopy or veranda roof;
  - (ii) advertisements, advertising signs and advertising structures suspended under verandas or canopies, except such advertisements, advertising signs and advertising structures over public streets.
- (n) Miscellaneous signs for residential oriented land use and community services:
  - (i) An advertisement, advertising sign and advertising structure for residential orientated land use and community services consisting of a 600mm x 450mm metal plate or board and attached to the building, wall or fence of such property;
  - (ii) Any advertisement, advertising sign and advertising structure in a locality wholly or mainly used for residential purposes, other than a brass plate or board not exceeding 600mm x 450mm in size, affixed indicating the name, address and telephone number of a security company contracted to protect the property, burglar alarm system or block of neighbourhood watch system provided that only one such advertisement, advertising sign and advertising structure per stand shall be permitted and such advertisement, advertising sign and advertising structure shall be firmly affixed to the boundary wall, fence or gates on the street frontage;
- (o) Road traffic signs erected in terms of any Act of Parliament, Provincial Ordinance or By-law.
- (p) Any advertisement, advertising sign and advertising structure erected as a specific requirement in terms of any By-laws, Provincial Ordinance or Act of Parliament.
- (q) Any vehicular advertisement, which is mobile at all times when an advertisement is displayed;
- (r) On-premises business signs:
  - (i) An on-premises business sign attached to a building, wall or fence comprising any non-illuminated advertising sign not projecting over a public street and not exceeding 8m<sup>2</sup> in extent displaying the trade, business, industry or profession conducted by any occupant of the building to which such sign is attached, and the name of such occupant, the address and telephone number of the occupant and the hours of business: provided only one such sign per occupant is displayed.
- (s) sunblind advertisements:
  - (i) An advertisement on any sunblind: provided that such sunblind must:
    - (aa) be attached to a building that it is incapable of being lowered to a height lower than 2,4m above the footway of pavement of a public street;
    - (bb) except at an intersection, be placed parallel to the building line of the property concerned;

- (t) temporary window signs:
    - (i) temporary window signs shall comply to the requirements of this By Law and in particular to the following additional requirements:
      - (aa) Temporary window signs shall be displayed only on ground-floor windows.
      - (bb) The total area of all temporary signs which are painted on or attached to the windows of a specific enterprise shall not exceed 10% of the total ground-floor window area of such an enterprise in an urban and natural area of maximum control; 25% in a rural area of maximum control and an urban area of partial control; and 50% in an urban area of minimum control.
  - (u) non-free-standing advertisements, advertising signs and advertising structures at filling stations and service areas attached to fuel pumps, vending machines and similar non-advertising structures with a maximum size of 0.15 m<sup>2</sup>.
  - (v) Advertisements on transport trailers.
- (2) Any advertisement, advertising sign and advertising structure referred to in Subsection (1) which does not comply with any provision of this By Law relating to such advertisement, advertising sign and advertising structure, may only be erected or displayed after approval of an application in terms of Section 3.

## 10. PROHIBITED ADVERTISING SIGNS

No person shall erect or display any of the following advertisements, advertising signs or advertising structures or cause or allow any such advertisement, advertising sign or advertising structure to be erected or displayed:

- (1) Posters:
  - (a) Any poster pasted onto any structure other than an advertising structure legally erected for the purpose of accommodating such poster;
- (2) Posters or notices advertising commercial products, services or events other than by means of category two posters.
- (3) Painted signs, veranda, balcony, canopy and underawning signs and signs on towers, bridges, pylons and gantries:
  - (a) Any advertisement painted directly on the main walls or roof of any building used for whatever purpose;
  - (b) advertisements, advertising signs and advertising structures affixed to or painted on a pillar, column or post supporting a veranda or balcony;
  - (c) advertisements, advertising signs and advertising structures affixed flat onto or painted on:
    - (i) a balustrade or railing of a veranda or balcony;
    - (ii) A beam over veranda columns;
  - (d) advertisements, advertising signs and advertising structures suspended below the roof of a veranda or balcony;
  - (e) advertisements, advertising signs and advertising structures under verandas or canopies over streets;

- (4) Advertisements on forecourts of business premises:
  - (a) advertisements, advertising signs and advertising structures on forecourts of business premises on sidewalk areas in front of business premises which are intended for pedestrian circulation;
- (5) Directional boards except in respect of local authority or other government or semi-government organisations or any organisation providing a service to the community such as electricity, telephone service, hospitals, community services, churches and the like, specifically excluding commercial organisations or organisations which operates its business for profit;
- (7) any advertisement, advertising sign and advertising structure which do not comply with the requirements for consent use or rezoning or any other provision of the relevant town planning scheme or Spatial Planning and Land Use Management Act (SPLUMA)
- (8) Any advertisement, advertising sign or advertising structure other than an exempted sign, for which an approval has not been granted;
- (9) Advertisements, advertising signs or advertising structures which relate to cigarettes or other tobacco products or liquor on Council land;
- (10) Any advertisement, advertising sign or advertising structure which has content, in the opinion of the Council is indecent, suggestive of indecency, prejudicial to public morals or objectionable, exploiting the human body, or is discriminatory in respect of race, social standing, gender, religion or sexual preference, or be insensitive to any section of the public or to any religious or cultural groupings or the like.

## CHAPTER 4 CLASSIFICATION

### 11. TYPES OF ADVERTISING SIGNS

- (1) All advertisements, advertising signs and advertising structures shall be classified as set out herein.
- (2) Class one (1) advertisements, advertising signs and advertising structures comprises of the following:
  - (a) Super billboards;
  - (b) Custom-made billboards;
  - (c) Large billboards;
  - (d) Small billboards and tower structures;
- (3) Class two (2) advertisements, advertising signs and advertising structures comprises of the following:
  - (a) Large posters and advertisements on street furniture;
  - (b) Banners and flags;
  - (c) Suburban advertisements;
  - (d) Temporary advertisements:
    - (i) Estate agents' boards;
    - (ii) Sale of goods or livestock (Auction sales);
    - (iii) Pavement posters and notices;

- (iv) Project boards;
  - (v) Temporary window signs;
  - (e) Street name advertisements;
  - (f) Neighbourhood watch and similar schemes;
  - (g) Product replicas and three-dimensional signs;
- (4) Class three (3) advertisements, advertising signs and advertising structures comprises of the following:
- (a) Sky signs;
  - (b) Roof signs;
  - (c) Flat signs;
  - (d) Projecting signs;
  - (e) Veranda, balcony, canopy and underawning signs;
  - (f) Signs painted on walls and roofs;
  - (g) Window signs;
  - (h) Signs incorporated in the fabric of a building;
  - (i) Advertisements on forecourts of business premises;
  - (j) Miscellaneous signs for residential oriented land use and community services;
  - (k) On-premises business signs;
  - (l) Advertising on towers, bridges and pylons;
  - (m) Advertisements on construction site boundary walls and fences
- (5) Class four (4) advertisements, advertising signs and advertising structures comprises of the following:
- (a) Sponsored road traffic projects;
  - (b) Service facility signs;
  - (c) Tourism signs;
  - (d) Functional advertisements by public bodies;
- (6) Class five (5) advertisements, advertising signs and advertising structures comprises of the following:
- (a) Aerial signs;
  - (b) Vehicular advertising;
  - (c) Trailer advertising.

## 12. TYPES OF LANDSCAPE

- (1) All properties shall be classified into one of the following types of landscape:
- (a) Natural landscape;
  - (b) Rural landscape;
  - (c) Urban landscape of maximum control;
  - (d) Urban landscape of partial control;
  - (e) Urban landscape of minimum control.
- (2) Signs in natural landscape shall:
- (a) Only convey an essential message;
  - (b) be limited in size; and
  - (c) In the opinion of the Council, harmonize with the environment.
- (3) The following advertisements, advertising signs and advertising structures may be permitted in natural landscape:
- (a) advertisements, advertising signs and advertising structures with property and farm names;

- (b) brown tourism signs;
  - (c) In respect of centres of economic activity within the natural landscape such as farm stalls and service stations, advertisements, advertising signs and advertising structures to advertise products and services by means of locality-bound signs;
  - (d) Vehicular advertising.
- (4) advertisements, advertising signs and advertising structures in rural landscape shall:
- (a) only be used to provide information for tourists, tourism-related industries and local communities;
  - (b) include but not be limited to:
    - (i) Property and farm names;
    - (ii) Centres of economic activity;
    - (iii) Tourist facilities and attractions;
    - (iv) In respect of centres of economic activity within the rural landscape such as farm stalls and service stations, advertisements, advertising signs and advertising structures to advertise products and services by means of locality-bound signs;
    - (v) vehicular advertising;
    - (vi) Aerial signs.
  - (c) Only convey an essential message
- (5) All advertisements, advertising signs and advertising structures in urban landscape areas of maximum control shall:
- (a) only convey an essential message;
  - (b) Be limited in size.
- (6) Only the following advertisements, advertising signs and advertising structures shall be permitted in urban landscape areas of maximum control:
- (a) Advertising signs with property and farm names;
  - (b) Suburban advertisements;
  - (c) Neighbourhood watch and similar scheme signs;
  - (d) Tourism signs;
  - (e) In respect of centres of economic activity within the urban landscape area of maximum control such as farm stalls and service stations, advertisements, advertising signs and advertising structures to advertise products and services by means of locality-bound signs;
  - (f) Functional advertisements by public bodies;
  - (g) Aerial signs;
  - (h) Vehicular advertising.
- (7) Save for advertisements, advertising signs and advertising structures in classes 1(a), 1(b), 1(c), 2(e), 2(g), 3(a), 3(c), 3(d), 3(f), 3(i) and 3(m), any advertisements, advertising signs and advertising structures may be erected or displayed in urban landscape areas of partial control.
- (8) Subject to the provisions of this By Law, any advertisement, advertising sign and advertising structure may be erected or displayed in urban landscape areas of minimum control.

**13. AREAS OF CONTROL**

- (1) All areas under the jurisdiction of the Council shall be classified under a specific area of control: provided that where an area has not been classified for whatever reason, it shall be deemed to be an area of maximum control, until otherwise classified by the Council.
- (2) Notwithstanding the classification of the areas of control, the Council may approve the erection of an advertisement, advertising sign and advertising structure on Council land if, in the opinion of the Council:
  - (a) there is no major impact on surrounding areas; and
  - (b) The surrounding land uses can accommodate that specific type of advertisement, advertising sign and advertising structure.
- (3) There shall be a band of not less than 50m of an area of partial control between an area of maximum control and an area of minimum control.

**CHAPTER 5  
GENERAL PROVISIONS**

**14. GENERAL REQUIREMENTS**

- (1) No advertisement, advertising sign or advertising structure shall:
  - (a) be in conflict with any legislation, ordinance, By-law or relevant town planning scheme as amended from time to time;
  - (b) be erected without approval where such approval is required by this By Law, any Act or Regulation, or any other law as amended from time to time;
  - (c) be allowed to emit noise, sound, smoke, smell or odours;
  - (d) project outside the boundaries of the property on which it is to be erected or displayed;
  - (e) be higher than the height restriction in terms of the relevant Town Planning Scheme of that specific property or the direct surrounding properties, as amended from time to time unless a relaxation has been obtained in terms of such Town Planning Scheme;
  - (f) encroach on the building line restriction area or any servitude unless a relaxation has been obtained in terms of the relevant Town Planning Scheme as amended from time to time;
  - (g) be erected within or over any servitude, unless specific approval has been granted by the relevant authority;
  - (h) exceed the maximum sizes and heights as stipulated in Table 1.

**TABLE 1:**

|  |                  |
|--|------------------|
| Size   | 81m <sup>2</sup> |
| Height if not placed on a building / structure | 12m              |

- (i) have a clear height of less than 2.4m;

- (j) display:
    - (i) any material or has content which in the opinion of the Council is indecent, suggestive of indecency, prejudicial to public morals or objectionable, **exploiting the human body**, or is discriminatory in respect of race, social standing, gender, religion or sexual preference, or be insensitive to any section of the public or to any religious or cultural groupings or the like;
    - (ii) the Council's corporate identity and/or Coat of Arms or any aspect of these registered logo's without prior consultation and written approval by the relevant department of the Council;
    - (iii) any corporate identity or like item of a third party without prior written permission of the owner of such corporate identity or like item;
    - (iv) a message spread across more than one advertisement, sign or sign panel.
  - (k) Be illuminated or animated unless specific provision therefore has been made in this By Law;
  - (l) be erected within a road reserve, road island or median or the restricted area as depicted in Figure 2, Schedule 3, unless:
    - (i) specific provision has been made therefore in this By Law; and
    - (ii) the necessary agreement with the Council, or other relevant authority, in respect of the use and payment of fees for the use of such road reserve, road island or median or restricted areas as depicted in Figure 2 in Schedule 3, have been:
      - (aa) signed with the Council or relevant authority; and
      - (bb) submitted together with an application for approval in terms of Section 3.
- (2) No advertisement, advertising sign or advertising structure may, in the opinion of the Council:
- (a) be unsightly or be detrimental to the environment or to the amenity of a human living environment or neighbourhood or have a negative aesthetic impact on the urban design, streetscapes or the character of the surrounding area by reason of size, shape, colour, texture intensity of illumination, quality of design or materials, the design of the advertising structure or device or for any other reason;
  - (b) may be displayed in places or in such a manner that it could be detrimental to the amenity of the neighborhood or disfigure the surroundings;
  - (c) detract from the residential character of the neighbourhood or have a negative impact on the market value of adjacent residential properties;
  - (d) obstruct any window or view or opening provided for the ventilation of a building or obstruct any stairway or doorway or other means of exit from a building or prevent the movement of persons from one part of a roof to another part;
  - (e) deface building facades with electrical services provisions and other accessories;
  - (f) unreasonably obscure, partially or wholly, any advertisement, advertising sign or advertising structure owned by another person previously erected and legally displayed.
- (3) All advertisements, advertising signs or advertising structures shall:
- (a) be erected in such a way so as not to impede the traffic flow during erection and servicing thereof on a public road unless prior written permission has been obtained and the necessary precautionary arrangements with the relevant authorities have been made;
  - (b) have a neat appearance:
    - (i) and shall consist of durable materials in accordance with the function, nature and permanence of the advertisement, sign or structure and materials such as cloth, canvas, cardboard, paper or synthetic cardboard should be used only when essential to the nature and function of a particular sign;

- (ii) in terms of advertisement content and sign writing and the design of advertisements, advertising signs and advertising structures, shall be to the satisfaction of the Council;
  - (c) not contain untidy handwritten messages;
  - (d) if positioned along roads and specifically targeting the road user, be concise and legible;
  - (e) form an aesthetically integral portion of the architectural element designed to the satisfaction of Council on the boundary of the property;
  - (f) not, in the opinion of the Council, dominate prominent architectural features of any building;
  - (g) be removed within the time periods as contemplated in this By Law;
  - (h) be identified according to a uniform system approved by the Council.
- (4) Not more than one advertisement, advertising sign or advertising structure shall be permitted on a property or Council land.
- (5) An advertisement, advertising sign and advertising structure shall be displayed perpendicular to or at an angle of not less than 45° to the direction of oncoming traffic [unless approved by the Council](#).
- (6) The minimum spacing between advertisements, advertising signs and advertising structures shall be as stipulated in Table 2.

**TABLE 2:**

| Speed limit   | Spacing between signs |
|---------------|-----------------------|
| 0 to 60 km/h  | 50 m                  |
| 61 to 80 km/h | 200 m                 |
| > 81          | 250 m                 |

- (7) The Council may increase the minimum spacing between advertisements, advertising signs and advertising structures, or place further restrictions on the position, size and content of any advertisement, advertising sign and advertising structure if considered necessary by the Council, in the interests of road safety or environmental impact, or for any reason whatsoever deemed necessary by the Council.
- (8) No person shall, in the course of erecting or removing any advertisement, advertising sign or advertising structure, or device:
- (a) cause damage to any tree, vegetation, electrical structure or bulk service or other public installation or any property, whether it be public or private property;
  - (b) remove any tree in a public place without prior written authorisation of the Council.
- (9) All advertisers shall have measures taken to prevent the entry of water into and the accumulation of water or moisture on or in any advertisement, advertising sign and advertising structure or any part of its supporting framework, brackets or other members.



- (10) If advertisements, advertising signs and advertising structures are not removed as contemplated in this By Law or not removed by the expiry period specified in this By Law or if advertisements, advertising signs and advertising structures constitute in any respect a contravention of the provisions of this By Law, the Council shall be entitled, without giving notice to anyone, to itself remove any advertisement, advertising sign or advertising structure.
- (11) The person who erected or displayed the advertisement, advertising sign or advertising structure or caused, permitted or suffered it to be erected or displayed, shall be:
- (a) liable to refund to the Council the cost, of the said removal and destruction: provided that if a deposit has been paid, such costs may be deducted from such deposit; and
  - (b) guilty of an offence.
- (12) Any advertisement, advertising sign or advertising structure removed in terms of Subsection (11), other than an advertisement, advertising sign or advertising structure which had to be damaged or destroyed in order to remove it, may be claimed by its owner within 21 days of its removal, and if not so claimed may be destroyed by the Council.
- (13) If an owner claims any advertisement, advertising sign or advertising structure in terms of Subsection (12), the advertisement, advertising sign or advertising structure concerned must be returned to him or her subject to the payment of the fee as determined by the Council from time to time.
- (14) The Council may recover the fee contemplated in Subsection (13) from any owner who does not claim his or her advertisement, advertising sign or advertising structure as contemplated in Subsection (12).
- (15) The Council shall not be liable for any damages or to pay compensation of any nature to the person whose advertisement, advertising sign or advertising structure contemplated in this Section has been removed or destroyed in terms of this Section or to any other person for whatever reason as a result of such removal and destruction
- (16) No poster, notice or placard shall be pasted onto any supporting column, pillar or post.

## 15. SAFETY

- (1) No advertisement, advertising sign or advertising structure shall:
- (a) be attached to a road traffic sign or signal or combined with a road traffic sign or signal, unless specifically provided for in the SARTSM;
  - (b) be erected in view of a signalised intersection which display predominantly the colours red, yellow or green if such colours will, in the opinion of the Council, constitute a road safety hazard or confusion;
  - (c) be so placed which, in the opinion of the Council, causes any obstruction to a motorist's view of the roadway or its approaches, regardless of the direction the motorist is travelling;
  - (d) be placed in such a way as to, in the opinion of the Council, obstruct any pedestrian movement;
  - (e) project over a sidewalk or pedestrian or cycle circulation route, unless the clear height of such sign exceeds 2,4 m;
  - (f) exceed the minimum clearance with regard to overhead power lines as stipulated in any law;
  - (g) be erected at intersections controlled by traffic signs within the distances as stipulated in Table 3.

**TABLE 3:**

|  |  |
|--|--|
| Space between signs at intersection controlled by traffic lights | Distance of signs from centre of intersection if the sign is illuminated |
| 15m  | 50m  |

- (2) No advertisement, advertising sign or advertising structure shall, in the opinion of the Council:
- (a) constitute a danger to any person or property;
  - (b) be so placed or contain an element which distracts the attention of drivers or pedestrians in a manner likely to lead to unsafe driving conditions;
  - (c) be illuminated to the extent that it causes discomfort to or inhibits the vision of pedestrians or drivers or be in the direct line of sight of a traffic light;
  - (d) obscure a pedestrian's or driver's view of pedestrians, road or rail vehicles and features of the road, railway or pavement such as junctions, bends and changes in width;
  - (e) in any way interfere with the sight distances of motorists.
  - (f) obscure a road traffic sign or signal, create confusion with a road traffic sign or signal, interfere with the functioning of a road traffic sign or signal or create a road safety hazard;
  - (g) obstruct any fire escape or the means of egress to a fire escape or obstruct or interfere with any window or opening required for ventilation purposes.

#### **16. MATERIALS FOR ADVERTISEMENTS, ADVERTISING SIGNS, ADVERTISING STRUCTURES AND SUPPORTING STRUCTURES**

- (1) All iron, wood or steel used in any advertisement, advertising sign or advertising structure shall be painted or otherwise effectively protected against corrosion.
- (2) No water-soluble adhesive, adhesive tape or other similar material shall be used to display or secure any advertisement elsewhere than on an advertising structure or within a fixture specifically designed therefore.

#### **17. DESIGN, CONSTRUCTION AND POSITION ON THE SITE**

- (1) All advertisements, advertising signs and advertising structures shall, in the opinion of the Council:
  - (a) be neatly and properly constructed and executed and finished in a workmanlike manner and be in accordance with the National Building Regulations and Building Standards Act;
  - (b) be rigidly and securely attached, supported or anchored in a safe manner and so that unwanted movement in any direction is prevented;
  - (c) be capable of effectively securing, supporting and maintaining its mass with the addition of any force to which the sign may be subjected, including wind pressure;
  - (d) wherever necessary in accordance with the nature of the advertisement, advertising sign and advertising structure and when attached to brickwork, masonry or concrete, be securely and effectively attached thereto by means of

- bolts securely embedded in such brickwork, masonry or concrete or passing through the same and secured on the opposite side;
- (e) when attached to conservation-worthy buildings, be attached with the necessary expert advice in order to prevent damage to such buildings;
  - (f) Be constructed and located at a height and [position](#) that discourage vandalism.
- (2) All glass panels used in advertisement, advertising sign and advertising structure, other than glass tubing used in neon and similar advertisement, advertising sign and advertising structure, must be safety glass and adhere to the requirements set out in Table 4.

**TABLE 4:**

|                                  |                             |
|----------------------------------|-----------------------------|
| Thickness of glass               | Minimum 3mm                 |
| Sign area if glass panel is used | Maximum 0,900m <sup>2</sup> |

- (3) Each glass panel used in advertisements, advertising signs and advertising structures must be securely fixed in the body of the advertisement, advertising sign and advertising structure independently of all other panels.
- (4) Advertisements, advertising signs and advertising structures [may be](#):
- (a) positioned on a road island or road median;
  - (b) suspended across a road;
  - (c) erected within or suspended above a road reserve or within the limited use area outside the road reserve boundary of freeways, as indicated in Figure 1 of Schedule 3;
  - (d) permitted within a restricted area at urban street corners as illustrated in Figure 2 of Schedule 3;
  - (e) [or erected to the discretion of the Local Municipality](#)
- (5) Illuminated advertisements, advertising signs or advertising structures allowed within restricted areas at signalised street corners as indicated in Figure 2 of Schedule 3 shall have a clear height of at least 6 m if such signs contain the colours red, green or amber.
- (6) No advertisement, advertising sign or advertising structure may, on arterial roads as identified by the Council, be situated closer than:
- (a) five metres from a road reserve boundary, if on private property;
  - (b) if the advertisement, advertising sign or advertising structure exceeds five metres in height, a distance from the road reserve boundary equal to the height of the advertisement, advertising sign or advertising structure or at a position as indicated by the Council.
- (7) Advertisements, advertising signs and advertising structures shall:
- (a) be clear of all road traffic signs;
  - (b) not be erected within the radiuses from the centre of an intersection on an arterial road or lower order road as stipulated in Table 5.

**TABLE 5:**

| Type of road     | Radius from the centre of an intersection |
|------------------|---|
| Arterial road    | 100m                                      |
| Lower order road | 50m                                       |

- (c) if situated on a public street or facing a public street, comply with the following requirements:
- (i) a minimum distance of 200m must be maintained between advertisements, advertising signs or advertising structures on the same side of a public street including any motorway and at least 100m away from an existing advertisement, advertising sign or advertising structure on the opposite side of such street or motorway: Provided that the Council may require a minimum distance exceeding 200m if it considers it necessary in the interest of road safety; and
  - (ii) No advertisement, advertising sign or advertising structure may be located inside a limited use area as indicated by Council at any on- and off-ramp of a public street and within a restricted area as indicated by the Council in relation to street corners, as depicted in Figure 1, Figure 2 and Figure 3, Schedule 3 respectively.

#### **18. POWER CABLES AND CONDUITS TO SIGNS**

- (1) Every power cable and conduit containing electrical conductors for the operation of an advertisement, advertising sign or advertising structure shall be so positioned and fixed that it is not, in the opinion of the Council, unsightly;
- (2) No advertisement, advertising sign or advertising structure shall be connected to any electricity supply without the prior written permission of the relevant electricity supply authority.

#### **19. ILLUMINATION AND ELECTRONIC ADVERTISEMENTS, ADVERTISING SIGNS OR ADVERTISING STRUCTURES**

- (1) Advertisements, advertising signs or advertising structures:
  - (a) May not be illuminated in any way unless specific provision has been made therefore in this By Law and unless:
    - (i) [the road is lit by overhead lighting over the full distance within which the advertisement is visible from that road;](#)
    - (ii) the source of the illumination is concealed from traffic travelling in any direction;
    - (iii) The light source emanating from floodlights or light not meant for illumination, shall not be visible to traffic traveling in any direction.

- (b) may not have subliminal flashes.
- (2) Every illuminated advertisement, advertising sign or advertising structure and every advertisement, advertising sign or advertising structure in which electricity is used:
- (a) shall be constructed of material which is not combustible;
  - (b) shall be provided with an external switch which is:
    - (i) in the opinion of the Council, in an accessible position;
    - (ii) as directed by the relevant department within Council responsible for emergency services;
    - (iii) at a height of at least (3) three meters from the ground whereby the electricity supply to the advertisement, advertising sign or advertising structure may be switched off.
  - (c) Shall be wired and constructed in accordance with and subject to the Council's provisions in respect of electricity;
  - (d) Shall not be connected to any electricity supply without the prior written permission of the relevant electricity supply authority;
  - (e) shall be in accordance with the provisions of the standard rules for the electrical wiring of premises or structures;
  - (f) which are likely to interfere with radio reception shall be fitted with efficient suppressers acceptable to the Council;
  - (g) shall only be permitted if, in the Council's opinion, it is specifically not prohibited.
- (3) Floodlighting shall be positioned to ensure effective distribution and minimise light wastage.
- (4) Light not intended for illumination may only be utilised if it is allowed for in the environmental plans of the Council.
- (5) The applicant shall, if electricity is used for illumination, install, at his own costs an electricity meter:
- (a) in respect of electricity usage for the illumination of the advertisement, advertising sign or advertising structure; and
  - (b) the positioning whereof shall, in the Council's opinion, be easily accessible.
- (6) No person may display light not meant for illumination:
- (a) in a visual zone; or
  - (b) in a natural area; or
  - (c) in an urban area of maximum control;
- if it will be visible from a road;
- (7) No person may display light not meant for illumination visible from a public road:
- (a) in a rural area of economic activity; or
  - (b) in an urban area of partial or minimum control;
- without the written approval of the relevant department within the Council;
- (8) No light beam may be moved or directed in such a manner as to distract the attention of drivers of vehicles from the task of driving;
- (9) No light source or beam of light not meant for illumination may be positioned or aimed so as to shine directly onto, or at, a public road.
- (10) All light beams shall be positioned so as to only shine onto the advertisement, advertising sign or advertising structure.

**CHAPTER 6**  
**PROVISIONS RELATING TO SPECIFIC ADVERTISEMENTS, ADVERTISING SIGNS OR**  
**ADVERTISING STRUCTURES**

**20. BILLBOARDS AND OTHER HIGH IMPACT FREE-STANDING SIGNS**

- (1) No billboard shall be erected or an advertisement displayed on any billboard, without the written permission of the Council, subject to such conditions as the Council may deem necessary.
- (2) Billboards may not be erected:
- (a) within 250 metres from the on or off ramp of a freeway as depicted in figure 3 of Schedule 3 or within 250 metres from the directional sign closest to the on or off ramp of such freeway whichever is the furthest;
  - (b) within 250 metres from an overhead traffic directional sign where a curve in the road renders the billboard to interfere with a clear and undistracted view of the directional traffic sign;
  - (c) in areas of maximum control or within a peripheral of 50 metres from the edge of any area of maximum control.
- (3) Billboards may only be erected:
- (a) in the area of control;
  - (b) according to the size;
  - (c) in respect of the speed limit on roads; and
  - (d) in accordance with the height
- as stipulated in **Table 6**.

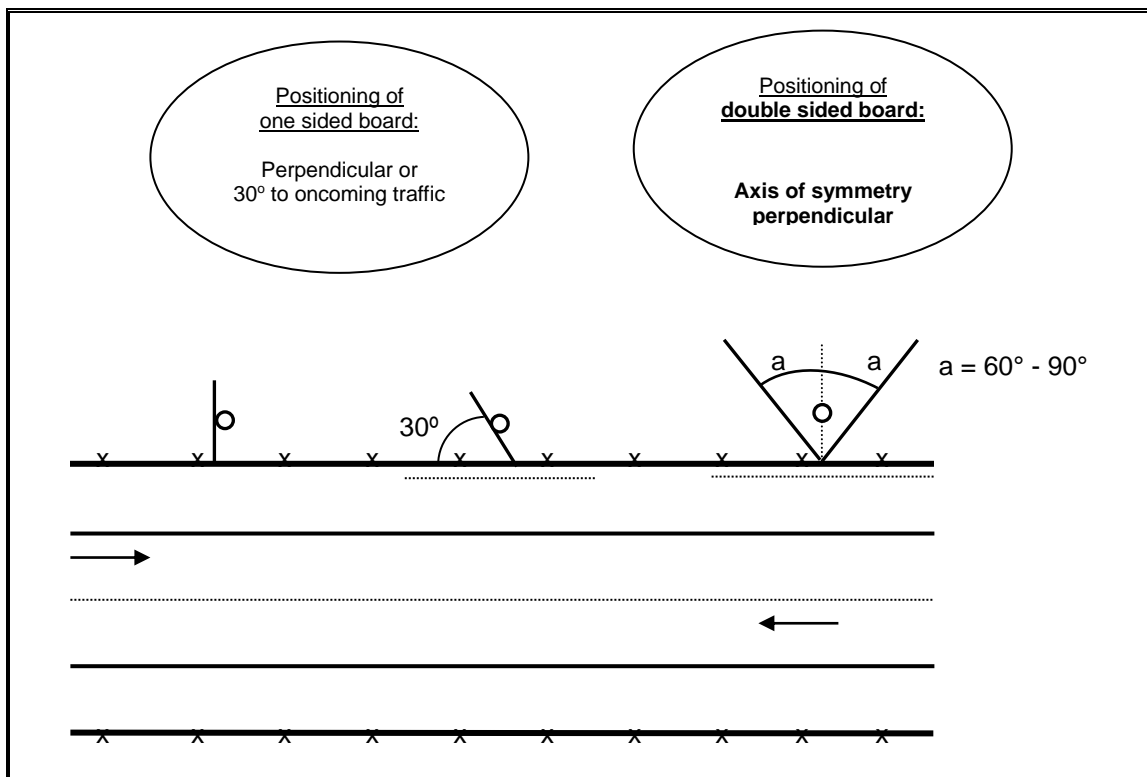
**TABLE 6: Area of control, Size and Height of Billboards**

|                       | Super Billboards        | Custom – made Billboards                 | Large Billboards                         | Small Billboards and Tower Structures    |
|-----------------------|-------------------------|--|--|--|
| Area of control       | Minimum                 | Minimum                                  | Minimum                                  | Minimum / Partial                        |
| Size                  | > 40 – 81m <sup>2</sup> | 8 – 81m <sup>2</sup>                     | 18 – 39m <sup>2</sup>                    | < 18m <sup>2</sup>                       |
| Speed (where allowed) | Any speed               | Only on roads with speed limits ≤ 80 kph | Only on roads with speed limits ≤ 80 kph | Only on roads with speed limits ≤ 80 kph |
| Total Height          | <del>12,5</del> 15m     | 12,5m                                    | 10.5m                                    | 10.5m                                    |
| Clear Height          | 2,4m                    | 2,4m                                     | 2,4m                                     | 2,4m                                     |

- (4) Billboards shall, subject to the provisions of Subsection (1) and Section 21, Section 22 and Section 23, be:
- (a) erected in respect of the position and spacing, as stipulated in Table 7 and Figure 3;
  - (b) in respect of an advertising sign consisting of a single board, displayed perpendicular to or at an angle of 30° to the direction of oncoming traffic as indicated in Figure 3;
  - (c) in respect of an advertising sign consisting of double-sided board, displayed with the axis of symmetry perpendicular and at an angle of between 60° and 90° to the direction of the oncoming traffic as indicated in Figure 3.

**TABLE 7: Position & Spacing - Visible per direction of travel**

| Speed       | To other billboards and high impact signs | To Road Signs |
|-------------|---|---------------|
| $0 \leq 60$ | 150m                                      | 50m           |
| 61 – 80     | 200m                                      | 100m          |
| $> 80$      | 250m                                      | 200m          |

**Figure 3: Positioning of custom-made billboards not being super bill boards, large and small billboards, in relation to traffic flow**

- (5) Billboards may, in the sole discretion of the Council, be allowed inside a Council road reserve or on other Council owned land, upon the conditions provided by Council.
- (6) No billboard shall have as main function the identification or location of specific businesses of enterprises.
- (7) Subject to the provisions of Section 22(3), all billboards may be illuminated and animated.
- (8) The maximum luminance levels shall be as stipulated in Table 8.

**TABLE 8:**

| Illuminated area                   | Maximum luminance            |
|------------------------------------|------------------------------|
| <0,5m <sup>2</sup>                 | 1 000 candela/m <sup>2</sup> |
| 0,5m <sup>2</sup> <2m <sup>2</sup> | 800 candela/m <sup>2</sup>   |
| 2m <sup>2</sup> <10m <sup>2</sup>  | 600 candela/m <sup>2</sup>   |
| >10m <sup>2</sup>                  | 400 candela/m <sup>2</sup>   |

- (9) Billboards shall be erected in such a way so as:
- (a) not to obstruct one another;
  - (b) to be of even height wherever possible;
  - (c) to be evenly spaced.
- (10) Billboards shall:
- (a) be placed on a base which has been designed by an engineer who has taken full written responsibility, on a form as set out in Schedule 4 hereof, for all structural work contemplated, as well as the structural safety thereof; and
  - (b) erected in terms of the conditions laid down by the Council, including but not limited to the condition that no steel or iron may be exposed to such an extent that erosion, rust and the like will take place.
- (11) Subject to Section 21(4), Section 22(4) and Section 23(3), a maximum of three billboards per intersection or t-junction road shall be permitted: provided that only one type of billboard shall be permitted per road at an intersection or per road at a t-junction.
- (12) Written permission for the erection of all billboards shall be obtained from the relevant department within the Council responsible for road traffic issues. Such written permission may only be granted upon consideration of a traffic impact assessment report submitted to the relevant department within the Council responsible for road traffic issues.

## 21. SUPER BILLBOARDS

- (1) Subject to Subsection (2), super billboards shall be spaced at the minimum distances as stipulated in Table 9.



**TABLE 9: Spacing**

| Speed    | From each other if situated on the same side of the road | From each other if not situate on the same side of the road | To the nearest edge of tar of the crossroad, measured from the sign, parallel along the road where the sign is located next to / Centre of Intersection / Point where lanes merge or diverge - whichever of these is the furthest distance |                  |
|----------|--|---|--|------------------|
|          |  |   | Arterial road  | Lower order road |
| ≤ 80km/h | 500m   | 500m  | 250m   | 150m             |
| > 80km/h | 500m   | 250m  |  |                  |

- (2) Super Billboards which are illuminated or use any form of electricity or solar energy, shall be spaced at least 1 kilometre apart on any road.
- (3) Super billboards shall not be erected within a radius of 250m from the centre of an intersection or t-junction of an arterial road or within a radius of 150m from the centre of an intersection or t-junction on any lower order road, in such a manner as to be oriented towards such an intersection.
- (4) No more than two super billboards shall be permitted per intersection.
- (5) Super billboards shall be displayed perpendicular to the direction of oncoming traffic.
- (6) An advertising impact assessment may be required for any super billboard.

## 22. CUSTOM-MADE BILLBOARDS

- (1) Custom-made billboards shall, subject to Subsection (2), be spaced at the minimum distances as stipulated in Table 10.

**TABLE 10:**

| Speed    | From each other if situated on the same side of the road | From each other if not situate on the same side of the road | To the nearest edge of tar of the crossroad, measured from the sign, parallel along the road where the sign is located next to / Centre of Intersection / Point where lanes merge or diverge - whichever of these is the furthest distance |                  |
|----------|--|---|--|------------------|
|          |  |   | Arterial road  | Lower order road |
| ≤ 80km/h | 500m   | 250m  | 250m   | 150m             |

- (2) Custom-made billboards, which are illuminated or use any form of electricity or solar energy, shall be spaced at least 1 kilometre apart on any road.
- (3) No custom-made billboard may be animated.
- (4) No more than two custom-made billboards shall be permitted per intersection.

### 23. LARGE BILLBOARDS

- (1) Large billboards shall, subject to Subsection (2), be spaced at the minimum distances stipulated in Table 11.

**TABLE 11:**

| Speed    | From each other if situated on the same side of the road | From each other if not situate on the same side of the road | To the nearest edge of tar of the crossroad, measured from the sign, parallel along the road where the sign is located next to / Centre of Intersection / Point where lanes merge or diverge<br>- whichever of these is the furthest distance |                  |
|----------|--|---|---|------------------|
|          |  |   | Arterial road   | Lower order road |
| ≤ 80km/h | 250m   | 200m  | 250m  | 150m             |

- (2) Large Billboards which are illuminated or use any form of electricity or solar energy, shall be spaced at least 500 m apart on any road.
- (3) No more than two large billboards shall be permitted per intersection.

### 24. SMALL BILLBOARDS AND TOWER STRUCTURES

- (1) Small billboards which are illuminated or use any form of electricity or solar energy, shall be:
  - (a) spaced at least 250 meters apart on any road;
  - (b) internally orientated and shall, in the opinion of the Council, not be aimed at the road user outside the shopping centre or transport node.
- (2) Small billboards shall be used only:
  - (a) for general and non-locality-bound advertisements on products, activities and services; and
  - (b) in parking areas of shopping centres; and
  - (c) At transport nodes as determined by the Council.
- (3) Tower structures may be approved for use as focal points in larger pedestrian areas, subject to the provisions of Section 3.
- (4) Guard towers shall comprise of four 2.5m x 1.5m or 3m x 1.5m or 4m x 1m panels.
- (5) No panel or board on a tower structure shall exceed a maximum size of 4.5 m<sup>2</sup>.

- (6) Tower structures shall be, in the opinion of the Council, of a high visual standard.

## **25. LARGE POSTERS AND ADVERTISEMENTS ON STREET FURNITURE**

- (1) No large poster shall be erected or an advertisement displayed on a large poster or on street furniture, without the written permission of the Council, subject to such conditions as the Council may deem necessary.
- (2) Large posters and advertisements on street furniture shall:
- (a) Not be permitted in natural and rural landscapes;
  - (b) Not be used for the primary purpose of directing or guiding the traveler to an enterprise;
  - (c) Not extend nearer than 1.8m from the vertical line of the road edge or extend nearer than 0.3m to the vertical line of the kerb of a cycle path, footpath or sidewalk;
  - (d) Not exceed 2,2 m<sup>2</sup> in area per sign.
- (3) Large posters and advertisements on street furniture may be allowed:
- (a) inside urban road reserves other than freeways and limited use areas along freeways as depicted in Figure 1 of Schedule 3;
  - (b) For the use of displaying street maps and other tourist information.
- (4) Advertising structures for large posters shall not exceed a maximum height of 4 m.
- (5) Street furniture carrying advertisements may be of a clear height less than 2.4m where, in the opinion of the Council, such clear height is applicable.
- (6) Street furniture shall not be used or positioned for the primary or sole purpose of advertising: Provided that the Council may permit advertisements or advertising signs on street furniture where specifically designed street furniture are provided for the sole purpose of advertising.
- (7) Street furniture shall be constructed in accordance to the Council specifications or designs approved by the Council.
- (8) Large posters and advertisements on street furniture may subject to Subsection (9) be illuminated.
- (9) Illumination of large posters and advertisements on street furniture may be permitted in urban areas of partial or minimum control.

## **26. BANNERS AND FLAGS**

- (1) Subject to the provisions of Section 9 and Subsection (2) no advertisement shall be displayed on any banner, streamer, flag, paper, paper mache, plastic sheet or other similar pliable material or on calico or other woven material, without the written permission of the Council, subject to such conditions as the Council may deem necessary.
- (2) Permission in terms of Subsection (1) shall only be granted for:
- (a) an advertisement relating to a function or event conducted for religious, educational, social welfare, animal welfare, sporting, civic or cultural purposes; or
  - (b) functions or events relating to municipal, provincial or parliamentary elections or referenda or registration process; or

- (c) the purpose of the display of the name, corporate symbol and nature of any enterprise;
  - (d) Streetscaping urban areas such as pedestrian malls and gateways and at predefined positions within the road reserve as determined by the Council.
- (3) Every application for permission in terms of Subsection (1) shall be accompanied by a deposit as set out in the applicable tariffs as determined by the Council from time to time in respect of each advertisement to which the application relates.
- (4) A deposit paid in terms of Subsection (3) shall, subject to the provisions of Subsection (5) be refunded to the person who paid it:
- (a) If such application is refused; or
  - (b) After all the banners and flags to which the deposit relates have been removed to the satisfaction of the Council.
- (5) The Council may, without notice, remove or destroy any banner or flag contemplated in Subsection (1) for which no approval has been applied for or granted, and may deduct the costs incurred from the deposit paid in terms of Subsection (4) or recover the costs from the owner of the advertisement, as the case may be.
- (6) Every person to whom permission has been granted in terms of Subsection (1) shall ensure that the following requirements are complied with:
- (a) Not more than:
    - (i) two banners or flags per event, enterprise or function shall be permitted in the entire territory of urban areas of maximum control and rural areas of maximum control;
    - (ii) ten banners or flags per event, enterprise or function shall be permitted in the entire territory of urban areas of partial and minimum control;
    - (iii) One advertisement, in respect of Subsection 2(a) and (d), per street front shall be permitted.
  - (b) Only locality-bound banners and flags shall be used for advertising functions, events and enterprises.
  - (c) No banner or flag shall be:
    - (i) Be used for advertising sales promotions or commercial products;
    - (ii) Be permitted in natural areas of maximum control;
    - (iii) Be larger than 6 m<sup>2</sup>;
    - (iv) Have a total sign area in respect of all such banners or flags, per street front per event, function or enterprise exceeding 7m<sup>2</sup> in urban areas of maximum control;
    - (v) Have a total sign area in respect of all such banners or flags, per street front per event, function or enterprise exceeding 12m<sup>2</sup> in urban areas of partial and minimum control.
  - (d) Every banner or flag shall:
    - (i) be attached to or suspended between poles or other supports on the site; or
    - (ii) be attached to or suspended against the building where the function or event is to be held; or
    - (iii) be on the site where the enterprise is located: or
    - (iv) on such other site or place as the Council may, in its sole discretion, allow;
    - (v) In the opinion of the Council, be attached so as not to interfere with or constitute a danger to passing vehicular or pedestrian traffic;
    - (vi) If used for streetscaping, form in the opinion of the Council, a harmonious and well-designed part of the total streetscape.
- (7) Banners and flags may be permitted within all urban road reserves other than freeways and limited use areas as depicted in Figure 1 of Schedule 3, and placed in positions as

determined by the Council: provided that banners may only be suspended across a road or street on structures erected for that purpose.

- (8) No advertisement as contemplated in Subsection 2 (a) (b) or (d) on a banner or flag shall be displayed for more than two weeks before the date of the function or event advertised and no such advertisement shall be permitted to remain in position for more than three days after the conclusion of such function or event.

## 27. SUBURBAN ADVERTISEMENTS

- (1) Subject to the provisions of Subsection (2) no advertisement shall be displayed on any traffic sign bearing the name of a town or suburb or the like, without the written permission of the relevant road's authority and the Council, subject to such conditions as the Council may deem necessary.
- (2) Permission in terms of Subsection (1) shall only be granted:
- (a) in urban areas of maximum, partial and minimum control;
  - (b) in respect of suburb name signs outside freeways;
  - (c) after a written lease agreement for the use of the suburban sign, duly signed by the applicant and the authorised person within the road's authority or the department within the Council who is responsible for road traffic matters, as the case may be, be obtained and submitted simultaneously with the application as contemplated in terms of Section 3.
- (3) All suburban advertisements shall:
- (a) Be rectangular in shape and not wider than the suburb name sign;
  - (b) Be smaller and less conspicuous than the suburb name sign;
  - (c) Be positioned below the suburb name;
  - (d) Be dependent on the positioning of the suburb name sign and form part of the structure on which the suburb name sign is affixed;
  - (e) Not have a background retro reflective or fluorescent colours.
- (4) Suburban advertisements may be permitted within all urban road reserves other than freeways;
- (5) Suburb name signs positioned on road islands, medians and within the restricted area as indicated on Figure 2 in Schedule 3 shall not be used to carry suburban advertisements.
- (6) The position and spacing requirements shall be as determined by the Council.

## 28. TEMPORARY ADVERTISEMENTS

- (1) Subject to the provisions of Section 9, no temporary advertisement or class 2(d)(i), class 2(d)(ii), class 2(d)(iii) or class 2(d)(iv) advertisements advertising signs or advertising structures shall be erected or displayed, without the written permission of the Council, subject to such conditions as the Council may deem necessary.
- (2) Subject to Section 3, the Council may approve advertisements, advertising signs or advertising structures contemplated in Subsection (1) on Council land for a period not exceeding 30 days.
- (3) Every application for permission in terms of Subsection (1) shall, in addition to what is required in terms of Section 3 and subject to Subsection (5), be accompanied by a non-refundable deposit.

- (4) A deposit paid in terms of Subsection (3) shall, subject to the provisions of Subsection (6) be refunded to the person who paid it if such application is refused.
- (5) The Council may, without notice to anyone, remove any advertisement, advertising sign or advertising structure contemplated in this Section for which no approval has been granted as contemplated in Subsection (1), or which are displayed in contravention of any provision of this By Law or which has not been removed within the time period specified in this By Law.
- (6) The person who erected or displayed any advertisement, advertising sign and advertising structure contemplated in Subsection (1), or caused, permitted or suffered it to be erected or displayed without permission of the Council having been obtained or which constitutes in any respect a contravention of any provision of this By Law or which has not been removed within the period specified, shall be liable to refund to the Council the cost of the said removal as contemplated in Subsection (5) and destruction contemplated in Subsection (7): provided that if a deposit in terms of Section 3(3)(t)(ii) has been paid, such costs may be deducted from such deposit and the remainder of such costs be claimed from the responsible person as contemplated in Section 60.
- (7) Any advertisement, advertising sign or advertising structure removed in terms of Subsection (5), other than an advertisement, advertising sign or advertising structure which had to be damaged or destroyed in order to remove it, may be claimed by its owner within 21 days of its removal, and if not so claimed may be destroyed by the Council.
- (8) If an owner claims any advertisement, advertising sign or advertising structure in terms of Subsection (7), the advertisement, advertising sign or advertising structure concerned must be returned to him or her subject to the payment of the prescribed fee as determined by the Council from time to time.
- (9) The Council may recover the prescribed fee contemplated in Subsection (8) from any person who does not claim his or her advertisement, advertising sign or advertising structure as contemplated in Subsection (7).
- (10) The Council shall not be liable for any damages or to pay compensation of any nature to the person whose advertisement, advertising sign or advertising structure contemplated in this Section and Section 30, Section 31, Section 32 or Section 33 have been removed or destroyed in terms of this Section or to any other person for whatever reason as a result of such removal and destruction.
- (11) Every temporary sign contemplated in this Section, and Section 29, Section 30 and Section 31 for which permission is granted, shall be marked with a municipal sticker with a reference number, such sticker to be positioned on the temporary sign contemplated in this Section, and Section 29, Section 30 and Section 31, as determined by the Council.
- (12) Any person who:
  - (a) in any manner whatsoever imitates, counterfeits or copies, or who, without the written permission of the Council, reproduces, fabricates, produces or manufactures such stickers; or
  - (b) displays a sticker as contemplated in Subsection (12)(a);shall be guilty of an offence and liable for a fine as set out in the Council's fine schedule determined from time to time.
- (13) Approval for temporary sign contemplated in this Section, and Section 29, Section 30 and Section 31 displaying a sticker as contemplated in Subsection (12)(a) or (12)(b), shall, without further notice lapse with immediate effect, and all such temporary signs

contemplated in this Section, and Section 29, Section 30 and Section 31 shall be removed forthwith.

- (14) No person contemplated in Subsection (12)(b) shall be entitled to:
- (a) erect or display any of its temporary signs contemplated in this Section, and Section 29, Section 30 and Section 31 for the remainder of the period as contemplated in Section 8(2) or Section 29, Section 30 and Section 31; or
  - (b) a refund of any deposit paid in terms of Subsection (3); or
  - (c) a refund of any fees paid in terms of Section 3; or
  - (d) claim any compensation of whatever nature from the Council.

## 29. ESTATE AGENT'S BOARDS

- (1) Subject to the provisions of Section 9, no estate agent's board shall be displayed, without the written permission of the Council, subject to such conditions as the Council may deem necessary.
- (2) The period as contemplated in terms of Section 8(2), shall, for purposes of this Section, extend from 1 July of a particular year to 30 June of the following year.
- (3) The prescribed fee payable in terms of Section 3, is payable for the full period as stipulated in Section 8(2), irrespective of the period for which such estate agent's board or boards will be or was erected.
- (4) All estate agents' boards shall contain only the words 'For Sale', 'To Let' 'On Show' or 'Sold', and a single photograph of the estate agent involved, the name, address, e-mail or web address and telephone number of the owner of the property or his or her estate agent.
- (5) Only one estate agent board per estate agent or estate agency shall be allowed on a property, while not more than three estate agents shall display their estate agent boards simultaneously on the same property.
- (6) No estate agent board may be displayed for a period exceeding 90 calendar days on a particular property;
- (7) An estate agent's board may consist of a single board or two duplicate boards joined at an angle of 120° or double-sided boards.
- (8) The maximum size and height of estate agents' boards shall be as follows:
  - (a) Non-residential vacant erf:

**TABLE 12:**

|        |                    |
|--------|--------------------|
| Size   | $\leq 6\text{m}^2$ |
| Height | $< 5\text{m}$      |

- (b) All other estate agent's boards: 0.6m x 0.45m
- (9) Estate agent's boards shall:
  - (a) be placed on or attached to the building concerned;
  - (b) attached parallel to a boundary fence or wall of the property concerned; or
  - (c) otherwise displayed within the boundaries of the property concerned; or
  - (d) only in respect of the sale of residential properties, on that part of a public street, other than the roadway, on which the property concerned fronts and directly in front

of such property to a maximum of 1 meter away from the boundaries of such property.

- (10) Estate agent's boards shall not be displayed on road islands or medians.
- (11) Non residential estate agent board as contemplated in Subsection 8(a) shall not be displayed in the road reserve or on road islands or medians.
- (12) No estate agent's board shall project at any point more than 0,3 meters from the wall of the building or structure to which it is affixed.
- (13) 'For sale' or 'To Let' boards shall be removed not later than 14 (fourteen) calendar days after completion of the sale or granting of the tenancy.
- (14) 'Sold' boards shall be removed not later than 30 (thirty) calendar days after completion of the sale or granting of the tenancy.
- (15) 'On Show' boards:
  - (a) for new developments may be erected for a period of 6 months where after an extension of an additional 6 months may be obtained at the discretion of the Council but removed not later than 30 (thirty) calendar days after completion of the sale or granting of the last tenancy.;
  - (b) other than those referred to in Subsection (a), may only be erected on a Friday preceding the event from 12 noon and must be removed on the following Monday by 12 noon.
- (16) Any estate agents board exceeding 1m<sup>2</sup> shall require the submission of an application contemplated in Section 3.
- (17) Not more than five 'on show' estate agent's boards and only on show days indicating the position of a property for sale or to let may be displayed by an estate agent.
- (18) A maximum of one estate agent's board not exceeding 6m<sup>2</sup> fixed flat on the surface of a non-residential building which contains only the words "For Sale" or "To Let" and the name, address and telephone number for the selling or letting agent, or only the lettering for the word "Sold" per building may be permitted.
- (19) A maximum of 75 (seventy-five) estate agent boards per estate agency, shall be allowed to be displayed in any period of approval as contemplated in Section 8(2).

### **30. SALE OF GOODS OR LIVESTOCK (AUCTION SALES)**

- (1) No sale of goods or livestock advertising sign shall be displayed, without the written permission of the Council subject to such conditions as the Council may deem necessary.
- (2) Sale of goods or livestock (auction sale) signs may be:
  - (a) permitted on road reserves but not on a road reserve of a freeway, road island or median;
  - (b) be displayed for not more than:
    - (i) fourteen days before the sale or auction; or
    - (ii) three days after the conclusion of the sale or auction; or
    - (iii) such other period as required by any other law.
- (3) Only 1 (one) sale of goods or livestock (auction sales) sign per sale shall be allowed.



- (4) Sale of goods or livestock (auction sales) signs shall:
- (a) Not exceed the maximum size of 1m<sup>2</sup>;
  - (b) Not have a height of more than 3m;
  - (c) be displayed only on the property where the advertised sale is to be held or shall be attached to the boundary fence of such a property.

### 31. PAVEMENT POSTERS AND NOTICES

- (1) No poster or notice shall be displayed, without the written permission of the Council subject to such conditions as the Council may deem necessary.
- (2) Save for category five posters, no more than 1000 posters shall be displayed at any one time, subject to the discretion of the Council.
- (3) The display of political posters not directly for the purposes of a Parliamentary, Provincial or Municipal election or referendum, shall be regarded as advertising and shall be subject to the requirements of Section 3.
- (4) All posters and notices:
  - (a) shall be of the size stipulated in Table 13.

**TABLE 13: Size of posters or notices**

|                               |              |
|-------------------------------|--------------|
| Category one and five posters | 0.9m x 0.6m  |
| Category two and four posters | 1.2m x 0.9m  |
| Category three posters        | 0.7m x 0.45m |

- (b) Shall be at least 2m below any light fixture;
  - (c) Shall only be permitted on electric light structures or other structures, which are provided for the express purpose of pasting or affixing posters and notices: provided such posters or notices are secured to such light structure by means of string or cord
  - (d) Shall be firmly attached in such a manner that it will not become wholly or partially dislodged by wind or rain, to a board made of wood, hardboard, correx or other approved material;
  - (e) Shall be erected at least 50m from the centre of an intersection;
  - (f) May be double-sided.
- (5) No poster or notice shall:
- (a) be permitted in natural and rural areas of maximum control;
  - (b) be erected or displayed:
    - (i) in a street or other public place unless the prescribed deposit and fees have been paid to the Council;
    - (ii) without:
      - (aa) a sticker or other device provided by the Council; and
      - (bb) being marked with the reference number allocated in the position as determined by the Council;
    - (iii) on the road reserve boundaries of freeways including on- and off-ramps;
  - (c) be pasted onto any column, pillar, lamp post or any other structure or post;
  - (d) be affixed by means of metal clamps or wire;

- (e) be attached to power line structures, power masts, road traffic signs or signals, any lamp pole which has a road traffic sign attached to it, traffic circles, traffic islands, walls, columns or posts of verandas or balconies, fencing, electricity boxes or substations, transformer boxes, telegraph poles, trees or bridges, or in sensitive areas identified by the Council;
- (f) be mounted on a streetlight pole shorter than 4,5m;
- (g) cover municipal markings or stripes on lampposts, or pole identification numbers;
- (h) if aimed at the road user, subject to Subsection (i), be less than 120m apart;
- (i) subject to Subsection (13)(d)(i) and Subsection (13)(d)(ii), exceed the maximum number of posters per area as stipulated in Table 14.

**TABLE 14: Number of posters permitted**

|                                  |           |
|----------------------------------|-----------|
| Per lamp post or other structure | 2 posters |
| Per street corner                | 4 posters |
| Per intersection                 | 8 posters |

- (6) No steel or aluminum ladders shall be placed against the structures on which the posters are to be erected.
- (7) If so, required by the Council, the content is subject to the Council's approval.
- (8) Subject to the requirements of Subsection (1) to (7), all **category one posters** or notices shall:
  - (a) if it relates to the display of auction posters in respect of a Court order or sale held by a liquidator or a trustee in an insolvent estate, only be for auctions to be held within the area of jurisdiction of the Council, duly authorised by the Sheriff of the Court, liquidator or trustee, to a maximum of 20 such posters or notices;
  - (b) be erected only 14 days prior to the event or such time limits as required in terms of any other law, whichever is the shortest;
  - (c) inclusive of backing boards and cord or string, be removed within 3 days of the passing of the event;
  - (d) clearly display:
    - (i) the name and contact details of the relevant responsible person or organization; and
    - (ii) the date and place of the occasion or event.
- (9) Subject to the requirements of Subsection (1) to (7), all **category two posters** or notices shall:
  - (a) be fixed, without drilling or welding, to lamp posts or other structures by means of removable brackets or strapping;
  - (b) Not be erected or displayed on the first two posts or other structure closest to the intersection;
  - (c) If it is an auction poster:
    - (i) not more than 20 posters may be erected or displayed;
    - (ii) for the sale of fixed property, such fixed property shall be within the area of jurisdiction of the Council.
  - (d) not have a display period of more than 30 calendar days from date of approval.
- (10) Subject to the requirements of Subsection (1) to (7) and Subsection (11), only one **category two poster** or notice facing per direction shall be displayed per post or structure.

- (11) Subject to the requirements of Subsection (1) to (7), all **category three posters** or notices:
- (a) Shall be fixed, without drilling or welding, to lamp posts or other structures by means of removable brackets or strapping;
  - (b) may be displayed along specific main traffic routes if so, determined by the Council;
  - (c) shall be displayed for 24 hours only;
  - (d) shall not exceed a maximum of one per post or structure;
  - (e) shall display the name and contact details of the particular newspaper.
- (12) Subject to the requirements of Subsection (1) to (7), all **category four posters** or notices:
- (a) Shall be fixed, without drilling or welding, to lamp posts or other structures by means of removable brackets or strapping;
  - (b) shall not exceed a maximum of one per post or structure;
  - (c) shall, inclusive of backing boards and cord or string, be removed within 3 days of the passing of the event
  - (d) clearly display:
    - (i) the name and contact details of the relevant responsible person or organization; and
    - (ii) the date and place of the occasion or event.
  - (e) may not have a display period of more than 30 calendar days.
- (13) Subject to the requirements of Subsection (1) to (7), all **category five posters** or notices:
- (a) When applying for approval in terms of Section 3, the application must be accompanied by an affidavit that the applicant will comply with every relevant provision of this By Law and any Council directive, including the obligation to remove the posters within the time period as stipulated in Subsection (c)(ii);
  - (b) Shall be fixed to lamp posts or other structures by means of a suitable and removable cord;
  - (c) Shall not be:
    - (i) fixed to lamp posts or other structure by means of metal clamps or wire;
    - (ii) displayed for longer than the period extending from the beginning of the date of proclamation in the Government Gazette of an upcoming referendum or election to the end of the third day after the date of such election or referendum;
  - (d) in respect of:
    - (i) each candidate **not more than 100 posters** or other advertisements shall be exhibited at any one time in any municipal ward and **not more than 300** shall be so exhibited in any parliamentary constituency; and
    - (ii) a referendum **not more than 1 000** posters or other advertisements per registered political party shall be so exhibited in the municipal area of the Midvaal Local Municipality;
  - (e) are permitted in addition to the number of posters permitted as contemplated in Subsection (2).

## 32. PROJECT BOARDS

- (1) Subject to the provisions of Section 9 no project board or development board shall be displayed, without the written permission of the Council subject to such conditions as the Council may deem necessary.
- (2) Project boards or development boards:
- (a) Shall, if such advertising sign relates to the laying out or development of any land as a township or a Sectional Title Scheme, not be erected prior to the land-use

- rights being promulgated in terms of the [Spatial Planning and Land Use Management Act 16 of 2013](#) or any other applicable law;
- (b) Shall describe only the:
- (i) building or structure being erected or other work or activity being carried out in the duration of the project;
  - (ii) names of the contractors or consultants concerned in such work or activity; and
  - (iii) branches of the industry or the professions of the contractors or consultants.
- (c) shall be displayed only during the period when the construction works are actually taking place on the site;
- (d) must be located on the site of the proposed township or property development;
- (e) must be removed within two calendar months of a project or development being completed;
- (f) shall only contain one advertisement per contractor or consultant.
- (3) Project boards or development boards shall not:
- (a) contain commercial advertising;
  - (b) be permitted for ongoing maintenance contracts;
  - (c) be positioned within road reserves: provided that project boards concerning road construction may be positioned in any road reserve, including a road reserve of a freeway;
  - (d) exceed the maximum sizes and heights stipulated in Table 15.

**TABLE 15:**

|                             |                                 | Project boards    | Development boards |
|-----------------------------|---------------------------------|-------------------|--------------------|
| Maximum size per consultant |                                 | 1.5m <sup>2</sup> | 1.5m <sup>2</sup>  |
| Maximum size                | Maximum area of control         | 9m <sup>2</sup>   | 6m <sup>2</sup>    |
|                             | Partial or minimum control area |                   | 12m <sup>2</sup>   |
| Maximum height              |                                 | 6m                | 6m                 |

- (4) The Council may, in its sole discretion, approve a larger project or development board for developments in excess of 5ha.
- (5) Individual or single project boards or development boards shall be displayed only if no other consultants or contractors are involved or if a combined project board and development board has already been erected.
- (6) Only one project board and one development board shall be permitted per property or development.
- (7) Development boards may be illuminated.

### 33. NEIGHBOURHOOD WATCH AND SIMILAR SCHEMES

- (1) Subject to the provisions of Section 9 no neighbourhood watch sign or security sign shall be displayed without the written permission of the Council, subject to such conditions as the Council may deem necessary.
- (2) Neighbourhood watch signs shall:
- (a) Not exceed 1, 5 m<sup>2</sup> in area;

- (b) Not exceed a height of 3, 0 meters.
  - (c) Maintain a 2.4m ground clearance
- (3) Only two neighbourhood watch signs shall be permitted per township in urban areas.
  - (4) Neighbourhood watch signs in respect of a farm watch:
    - (a) may be displayed at the junction or intersection of a public road and private access road or at the entrance to an individual farm;
    - (b) Only one sign per farm shall be allowed.
  - (5) Neighbourhood watch signs:
    - (a) may be erected within a road reserve other than a national road, provincial road or any freeway, at the point where the watch area is entered;
    - (b) shall not be positioned on a road island or road median or inside a restricted area at street corners as indicated on Figure 2 in Schedule 3.
  - (6) Security signs shall not exceed:
    - (a) 0,35 m<sup>2</sup> in area; nor
    - (b) a height of 3,0 meters.
  - (7) Only one security sign per street boundary of a stand shall be permitted in urban areas.
  - (8) Neighbourhood watch signs and security signs shall:
    - (a) be firmly affixed to the building, boundary wall, fence or gates on the street frontage or shall be displayed within the boundaries of the stand: Provided that a neighbourhood watch sign may be erected on a self-supporting structure;
    - (b) refer only to the existence and operation of a commercial security service, burglar alarm system or neighbourhood watch or similar system or scheme.

### 34. PRODUCT REPLICAS AND THREE-DIMENSIONAL SIGNS

- (1) No product replica or three-dimensional sign may be erected or displayed without the written permission of the Council, subject to such conditions as the Council may deem necessary.
- (2) Permission in terms of Subsection (1) shall only be granted:
  - (a) For entertainment, industrial and commercial land uses, including shopping centres;
  - (b) In urban areas of partial control and urban areas of minimum control.
- (3) If a product replica or three-dimensional sign functions as:
  - (a) an on-premises business advertisement, is shall adhere to all the provisions of Section 43;
  - (b) a third-party advertisement:
    - (i) It shall adhere to the provisions of Section 2, Section 21, Section 22, Section 23 and Section 24.
    - (ii) It shall not exceed the size of a small billboard in advertising space.
- (4) The maximum size and height of product replicas or three-dimensional signs which may be permitted in terms of this Section, shall be as stipulated in Table 16.

**TABLE 16:**

|              |                 |          |      |
|--------------|-----------------|----------|------|
| Size         | Partial Control | Vertical | 1.5m |
|              |                 | Diameter | 2m   |
|              | Minimum Control | Vertical | 2m   |
|              |                 | Diameter |      |
| Total Height | Partial Control | 4m       |      |
|              | Minimum Control |          |      |

- (5) Product replicas or three-dimensional signs, excluding product replicas or three-dimensional signs in entertainment districts:
- attached to buildings or displayed on individual property shall be limited to one sign per enterprise;
  - attached to buildings shall not be displayed above the bottom edge of the second floor window and shall not extend above the level of the underside of the eaves or gutter of any building;
  - may only be illuminated if the road is illuminated;
  - may be animated;
  - may only be erected within the boundaries of the property.

### 35. ROOF SIGNS

- No roof sign may be erected or displayed without the written permission of the Council, subject to such conditions as the Council may deem necessary.
- Permission obtained from the relevant authority in terms of an environmental impact assessment shall be required for any roof sign and must be submitted simultaneously with the application contemplated in Section 3.
- Roof signs shall:
  - be permitted only in urban areas of partial and minimum control;
  - be permitted only if it is a locality-bound roof sign;
  - not project in front of a main wall of a building so as to extend beyond the roof of such a building in any direction;
  - not be so fixed that the bottom of the sign is more than 120 mm above the nearest portion of the roof beneath it;
  - not exceed 300 mm in thickness;
  - not exceed in size the areas stipulated in Table 17.

**TABLE 17:**

| Height of sign above ground | Maximum area of sign |
|-----------------------------|----------------------|
| <6 m                        | 2 m <sup>2</sup>     |
| 6 m<9 m                     | 4 m <sup>2</sup>     |
| 9 m<12 m                    | 8 m <sup>2</sup>     |
| 12 m<18 m                   | 12 m <sup>2</sup>    |
| >18m                        | 18m <sup>2</sup>     |

- (4) Only one roof sign per building shall be allowed.
- (5) Roof signs may be illuminated.

### 36. FLAT SIGNS

- (1) No flat sign may be erected or displayed without the written permission of the Council, subject to such conditions as the Council may deem necessary.
- (2) Permission obtained from the relevant authority in terms of an environmental impact assessment report, which shall include visual, social and traffic safety aspects, shall be required for any flat sign in excess of 36 m<sup>2</sup> must be obtained and shall be submitted simultaneously with the application contemplated in Section 3.
- (3) Flat signs:
  - (a) shall at no point project more than 300 mm from the surface of the main wall;
  - (b) may consist of a panel or sheet or of individual numbers, letters or symbols;
  - (c) may, subject to Subsection (e)(ii), be permitted in:
    - (i) urban areas of minimum, partial and maximum control; and
    - (ii) only at centres of economic activity in rural and natural areas of maximum control
  - (d) which is locality-bound may be attached to the front, side or back walls of buildings;
  - (e) which are third party advertising signs shall:
    - (i) be attached only to the side and back walls of buildings which do not fulfill the function of a building façade;
    - (ii) not be permitted in natural, rural and urban areas of maximum control.
  - (f) shall be limited to buildings utilised for commercial, office, industrial or entertainment purposes and larger accommodation facilities.
  - (g) shall not be permitted to buildings used for residential purposes or for community services or community institutions, small enterprises and practices on residential property, or small scale residential-oriented accommodation;
  - (h) may not be animated;
  - (i) shall not cover a window or any other external opening of a building or obstruct the view from such an opening;
  - (j) shall not extend above the top or beyond either end of a wall;
  - (k) shall be attached only to a flat wall surface.
- (4) The total maximum sizes for flat signs shall be as stipulated in Table 18.

**TABLE 18:**

| Area of Control            | Maximum sign area                    |
|----------------------------|--------------------------------------|
| Maximum control            | ≤ 20% of each facade of the building |
| Partial or minimum control | ≤ 30% of each facade of the building |

- (5) The maximum projection of any part of a flat sign over a footway or ground level shall be 300 mm and shall have a minimum ground clearance of 2.4 meters

- (6) No more than one:
  - (a) flat sign per enterprise shall be allowed;
  - (b) third party flat sign per wall shall be allowed.
- (7) Wall units to display flat signs at shopping centres shall, in the opinion of the Council, be designed in such a way as to form a structural and architectural whole with such buildings.

### 37. PROJECTING SIGNS

- (1) No projecting sign may be erected or displayed without the written permission of the Council, subject to such conditions as the Council may deem necessary.
- (2) Projecting signs may be allowed in:
  - (a) urban areas of minimum control;
  - (b) urban areas of partial control;
  - (c) urban areas of maximum control;
  - (d) at centres of economic activity in:
    - (i) natural areas of maximum control; and
    - (ii) rural areas of maximum control
 but shall be limited to buildings utilized for commercial, office, industrial or entertainment purposes and larger accommodation facilities.
- (3) Only one projecting sign shall be permitted per enterprise facade.
- (4) Projecting signs:
  - (a) at a filling station or roadside service area shall be affixed only to columns, pillars or posts supporting a roof over fuel pumps;
  - (b) shall be **securely supported** and fixed to the building, any two of which shall be capable of carrying the whole mass of the sign, together with wind pressure, against which pressure the sign shall be, to the satisfaction of the Council,
  - (c) may be illuminated;
  - (d) may be suspended above sidewalks.
- (5) No part of a projecting sign shall project more than half of the width of the sidewalk immediately below such projecting sign.
- (6) Projecting signs shall:
  - (a) Not be permitted for buildings used for residential purposes on residential property, or small scale residential-oriented accommodation;
  - (b) Not be fixed:
    - (i) otherwise, then at right angles to the street line;
    - (ii) be fixed in any way other than the top and the bottom of the sign being in the same vertical plane;
  - (c) not extend beyond the top of the main wall to which it is affixed or above the level of the top of any parapet wall, or above the level of the underside of the eaves or gutter of a building from which the sign projects;
  - (d) not exceed 1,0 m<sup>2</sup> per sign face or 2 m<sup>2</sup> per total sign area;
  - (e) not exceed 300 mm in thickness;
  - (f) subject to the provisions of Subsection (5), not exceed the size and dimensions stipulated in Table 19 and Table 20.



**TABLE 19:**

| <b>Areas of maximum control</b> |   |   |
|---------------------------------|---|---|
|                                 | <i>Clear height of sign<br/>Below 6 m</i> | <i>Clear height of sign<br/>Above 6 m</i> |
| Maximum size                    | 1,2 m <sup>2</sup>                        | 4,0 m <sup>2</sup>                        |
| Maximum horizontal dimension    | 1,0 m                                     | 1,5 m                                     |
| Maximum vertical dimension      | 1,5 m                                     | 3,0 m                                     |

**TABLE 20:**

| <b>Areas of partial and minimum control</b> |   |   |
|---|---|---|
|   | <i>Clear height of sign<br/>Below 6 m</i> | <i>Clear height of sign<br/>Above 6 m</i> |
| Maximum size                                | 2,4 m <sup>2</sup>                        | 8,0 m <sup>2</sup>                        |
| Maximum horizontal Dimension                | 1,5 m                                     | 2,0 m                                     |
| Maximum vertical dimension                  | 3,0 m                                     | 5,0 m                                     |

- (7) Only locality-bound projecting signs shall be allowed: provided that third party projecting signs may be permitted in entertainment areas.
- (8) Projecting sign supports shall:
- (a) in the opinion of the Council:
    - (i) be neatly constructed as an integral part of the design of the sign; or
    - (ii) be concealed from view;
  - (b) The angle supports or stays shall not be visible.
- (9) Structural drawings shall be submitted for all projecting signs with a clear height of more than 2.4m.
- (10) If in the opinion of the Council, a projecting sign is or becomes or has become unsafe, the Council may, by notice in writing, demand that the owner of such projecting sign removes such sign forthwith, without any compensation by the Council whatsoever.
- (11) If a projecting sign is not removed as contemplated in Subsection (10), the Council may, without further notice, remove such projecting sign.
- (12) Any projecting sign removed in terms of Subsection (11), other than a projecting sign which had to be damaged or destroyed in order to remove it, may be claimed by its owner within 21 days of its removal, and if not so claimed may be destroyed by the Council.
- (13) If an owner claims a projecting sign in terms of Subsection (12), the advertisement, advertising sign or advertising structure concerned must be returned to him or her subject to the payment of the prescribed fee as determined by the Council from time to time.

- (14) The Council may recover the prescribed fee contemplated in Subsection (13) from any person who does not claim his or her projecting sign as contemplated in Subsection (12).
- (15) The Council shall not be liable for any damages or to pay compensation of any nature to the person whose projecting sign has been removed or destroyed in terms of this Section or to any other person for whatever reason as a result of such removal and destruction.
- (16) When applying for approval in terms of Section 3, the owner of a projecting sign must submit an affidavit that he or she will comply with every relevant provision of this By Law and any Council directive, including the obligation to remove the projecting sign as contemplated in Subsection (10).

### 38. VERANDA, BALCONY, CANOPY AND UNDERAWNING SIGNS

- (1) Subject to the provisions of Section 9 and Section 10 no veranda, balcony, canopy and underawning sign may be erected or displayed without the written permission of the Council, subject to such conditions as the Council may deem necessary.
- (2) Veranda, balcony, canopy and underawning signs may only be permitted at:
  - (a) centres of economic activity in natural and rural areas of maximum control;
  - (b) urban areas of maximum control;
  - (c) urban areas of partial control; and
  - (d) urban areas of minimum control
 provided that if, in the opinion of the Council, veranda, balcony, canopy and underawning signs are necessary in natural and rural areas of maximum control, such signs may be permitted.
- (3) Only verandas, balconies and canopies which form part of buildings used for commercial, office, industrial or entertainment purposes or roofed structures without walls which are situated on property used for such purposes shall be permitted to be used for such signs.
- (4) Veranda, balcony, canopy and underawning signs:
  - (a) Shall have a clear height of 2,4m;
  - (b) Shall be affixed flat onto or painted on:
    - (i) a parapet wall;
    - (ii) the fascia of a veranda; or
    - (iii) a fascia of a roof structure without walls
  - (c) shall not project at any point more than 300 mm from the surface to which it is affixed;
  - (d) shall not exceed a:
    - (i) vertical dimension of 1 750 mm;
    - (ii) horizontal dimension of 2 400 mm.
  - (e) shall not extend above or below or beyond any of the extremities of a parapet, wall or fascia;
  - (f) shall, if painted, only be permitted if painted on a smooth, flat surface;
  - (g) may be suspended above sidewalks;
  - (h) may only be erected on commercial, office, industrial or entertainment premises.
- (5) More than one veranda, balcony, canopy and under awning sign per enterprise facade **may be** allowed: provided that for an enterprise with a facade exceeding 20m in length more veranda, balcony, canopy or under awning signs may be permitted per enterprise façade subject thereto that:
  - (a) such veranda, balcony, canopy or underawning sign shall be spaced at a minimum of **3m** intervals; and

- (b) the total horizontal dimension of the veranda, balcony, canopy or underawning sign per enterprise facade shall be **determined by the length/width of the building**.
- (6) Underawning signs:
- (a) Shall be aimed at pedestrians.
  - (b) may only be erected on the ground floor of a building.
- (7) Signs under verandas and canopies:
- (a) Unless the Council in writing otherwise permits, shall be:
    - (i) erected in such a manner that the bottom edge of the sign when suspended shall be horizontal and the supports by means of which the sign is suspended, shall be an integral part of the design of the sign;
    - (ii) fixed with its faces at right angles to such boundary;
  - (b) shall not extend beyond the outer edge of the veranda or canopy from which it is suspended;
  - (c) shall not cover any window or obstruct the view from any such window;
  - (d) shall not exceed the maximum area and size as stipulated in Table 21.

**TABLE 21:**

|                              |                 |
|------------------------------|-----------------|
| Maximum area                 | 1m <sup>2</sup> |
| Maximum horizontal dimension | 1m              |
| Maximum depth                | 300mm           |

- (8) The top signs under a veranda or canopy may not be more than 1 m below the canopy or veranda from which it is suspended;
- (9) Unless otherwise permitted by an approval in terms of Section 3:
- (a) the bottom edge of a sign under a veranda or canopy, when suspended, must be horizontal; and
  - (b) the supports by means of which it is suspended must be an integral part of the design of such sign.
- (10) The advertisement on a canopy sign shall, in the opinion of the Council, form an integral part of the canopy or blind without dominating the canopy structure or blind.
- (11) Any canopy shall, in the opinion of the Council:
- (a) complement the architecture and visual appearance of the building to which it is affixed; and
  - (b) not dominate such building.
- (12) Veranda and balcony signs may be illuminated: provided that illuminated veranda or balcony signs or veranda or balcony signs designed to reflect light shall be attached to or displayed on any splayed or rounded corner of a veranda or canopy at a street intersection.

**39. WINDOW SIGNS**

- (1) Subject to the provisions of Section 9 no window sign may be erected or displayed without the written permission of the Council, subject to such conditions as the Council may deem necessary.
- (2) Window signs in natural and rural areas of maximum control may only be permitted:
  - (a) at centres of economic activity; and
  - (b) on ground-floor windows.
- (3) Window signs shall not be permitted:
  - (a) above ground-floor level;
  - (b) on buildings used for purposes other than commercial, entertainment, office, or industrial.
- (4) Window signs may be illuminated: Provided that, in urban, rural and natural areas of maximum control no internally illuminated signs inside a building shall be visible from outside the building.

**40. SIGNS INCORPORATED IN THE FABRIC OF A BUILDING**

- (1) The building or structure or any external face of it may not be used principally for the display of advertisements.
- (2) The advertisement shall, in the opinion of the Council, be:
  - (a) in balance with the scale of the building; and
  - (b) visually and architecturally integrated in the building or structure.

**41. ADVERTISEMENTS ON FORECOURTS OF BUSINESS PREMISES**

- (1) Subject to the provisions of Section 9 and Section 10 and no advertisement on forecourts of business premises may be erected or displayed without the written permission of the Council, subject to such conditions as the Council may deem necessary.
- (2) advertisement on forecourts of business premises shall only be permitted in the following areas of control:
  - (a) centres of economic activity in natural and rural areas and urban areas of maximum control;
  - (b) urban areas of partial control;
  - (c) Urban areas of minimum control.
- (3) Individual free-standing forecourt signs shall not exceed the sizes as stipulated in Table 22:

**TABLE 22:**

|  |                    |
|--|--------------------|
| Single sided signs   | 0,75m <sup>2</sup> |
| Double sided signs   | 1,5m <sup>2</sup>  |
| The total permitted area of advertisement on each forecourt frontage to the property | 5m <sup>2</sup>    |

- (4) Advertisements on forecourts of business premises shall:
- (a) be free-standing: provided that additional signs at filling stations and roadside service areas attached to fuel pumps and similar non-advertising structures may be permitted;
  - (b) not be allowed inside any road reserve;
  - (c) in the opinion of the Council, not be positioned in such a way as to interfere with pedestrian circulation;
  - (d) be aimed at passing pedestrians and the users of the forecourt space concerned;
  - (e) not be aimed at passing motorists.
- (5) Handwritten messages may be permitted on boards provided for this purpose: provided that handwritten messages shall, in the opinion of the Council, be neat and legible.

#### **42. MISCELLANEOUS SIGNS FOR RESIDENTIAL ORIENTED LAND USE AND COMMUNITY SERVICES**

- (1) Subject to the provisions of Section 9 no advertising sign for residential oriented land use and community services may be erected or displayed without the written permission of the Council, subject to such conditions as the Council may deem necessary.
- (2) Advertising signs for residential oriented land use and community services shall be limited to:
- (a) Identification, direction and warning with regard to place of residence, including but not limited to:
    - (i) Street numbers and names of houses, flat complexes, farms and smallholdings.
    - (ii) Notices and signs including but not limited to, "Beware of the dog", "No parking please", "Close the gate", and "No entrance".
    - (iii) The nature of the farm or smallholding and the main activity on such farm or smallholding.

- (b) Small businesses, enterprises and practices:
    - (i) on urban residential property, including urban smallholdings but excluding rural smallholdings; or
    - (ii) in buildings that were originally constructed and used for residential purposes or for community services, including but not limited to residential areas where office and commercial encroachment has taken place;
    - (iii) may contain the following information only:
      - (aa) The name or names and nature of the business, practice or enterprise; and
      - (bb) The name or names of the owners, practitioners or partners of the business, enterprise or practice.
  - (c) Small-scale urban accommodation facilities with a residential and neighbourhood character:
    - (i) includes but are not limited to:
      - (aa) guest houses;
      - (bb) bed and breakfast facilities;
      - (cc) boarding houses; and
      - (dd) smaller hotels;
    - (ii) may contain the following information:
      - (aa) the name or names and nature of the facility or enterprise;
      - (bb) the name or names of the proprietor or partners.
  - (d) Community services and institutions:
    - (i) Includes but are not limited to religious, educational, cultural, recreational and certain medical and similar institutions;
    - (ii) may contain the following information:
      - (aa) the name and the nature of the institution;
      - (bb) the name or names of the practitioner or practitioners;
      - (cc) the nature and extent of the service, including but not limited to opening and closing times.
- (3) Only one advertising sign for residential oriented land use and community services per street frontage is permitted;
- (4) Building plans for supporting structures, or a letter from the relevant official within the Council that no building plans are required, shall be submitted to the Council simultaneously with the application in terms of Section 3.
- (5) Advertising signs for residential oriented land use and community services, which constitutes warning signs and notices, shall not exceed the numbers and sizes stipulated in Table 23.

TABLE 23:

| Warning signs and notices                                  |   |   |
|--|---|---|
|  | If there is only one entrance to the premises, or if more than one entrance to the premises exist on the same road frontage | If more than one entrance to the premises on different road frontages exist |
| Number of signs permitted per premises                     | 1   | 2   |
| Number of signs permitted per street frontage per premises | 1   | 1   |
| Total area size of sign                                    | 0,5m <sup>2</sup>   | 1m <sup>2</sup>   |
| Total area size per street frontage                        | 0,5m <sup>2</sup>   | 0,5m <sup>2</sup>   |

- (6) Advertising signs for residential oriented land use and community services, which constitutes the name or names and nature of an enterprise or enterprises, a practice or practices, an accommodation facility or facilities, a place of residence, the name or names of the proprietor or proprietors, partner or partners or practitioner or practitioners, shall not exceed the numbers and sizes stipulated in Table 24.

TABLE 24:

| Name and nature of enterprise, practice, accommodation facility, place of residence;<br>name of proprietor, partner or practitioner |   |   |
|---|---|---|
|   | If there is only one entrance to the premises, or if more than one entrance to the premises exist on the same road frontage | If more than one entrance to the premises on different road frontages exist |
| Number of signs permitted per premises  | 1   | 2   |
| Number of signs permitted per street frontage per premises  | 1   | 1   |
| Total area size of sign, excluding combination signs  | 1,5m <sup>2</sup>   | 3m <sup>2</sup>   |
| Total area size per street frontage   | 1,5m <sup>2</sup>   | 1,5m <sup>2</sup>   |
| Size of sign per enterprise on a combination sign if more than one enterprise share the same premises                               | 1m <sup>2</sup>   | 1m <sup>2</sup>   |

- (7) Where several smallholdings are sharing the same access road, advertising signs for residential oriented land use and community services indicating the property numbers only may be permitted: provided that, if in the opinion of the Council it is required, a combination sign shall be permitted.
- (8) Advertising signs for residential oriented land use and community services which constitutes farm of smallholding name signs:
- shall be displayed next to the entrance of the access road to the homestead; or
  - alternatively, it shall be affixed to the gate at the entrance of such access road;
  - shall not exceed the numbers and sizes stipulated in Table 25.



TABLE 25:

| Name and nature of smallholdings and name of proprietor, partner or practitioner of smallholding             |   |   |
|--|---|---|
|  | If there is only one entrance to the smallholding, or if more than one entrance to the smallholding exist on the same road frontage | If more than one entrance to the smallholding on different road frontages exist |
| Number of signs permitted per smallholding   | 1   | 2   |
| Number of signs permitted per street frontage per smallholding   | 1   | 1   |
| Total area size of sign, excluding combination signs   | 1,5m <sup>2</sup>   | 3m <sup>2</sup>   |
| Total area size per street frontage  | 1,5m <sup>2</sup>   | 1,5m <sup>2</sup>   |
| Size of sign per smallholding on a combination sign if more than one smallholding share the same access road | 1m <sup>2</sup>   | 1m <sup>2</sup>   |

- (9) If any official traffic sign bearing a destination or route number is displayed at the entrance to an access road, no farm or smallholding name signs shall be allowed at such entrance to the access road.
- (10) Advertising signs for residential oriented land use and community services which constitutes the name and nature of the institutions or other community facilities shall, subject to Subsection (8) not exceed the numbers and sizes stipulated in Table 26.

TABLE 26:

| Name and nature of the institutions or other community facilities |   |   |
|---|---|---|
|   | If there is only one entrance to the premises, or if more than one entrance to the premises exist on the same road frontage | If more than one entrance to the premises on different road frontages exist |
| Number of signs permitted per premises                            | 1   | 2   |
| Number of signs permitted per street frontage per premises        | 1   | 1   |
| Total area size of sign   | 3m <sup>2</sup>   | 6m <sup>2</sup>   |
| Total area size per street frontage                               | 0,5m <sup>2</sup>   | 3m <sup>2</sup>   |

- (11) Advertising signs for residential oriented land use and community services which constitutes the name and nature of the institutions or other community facilities may in the sole discretion of the Council, be permitted with a total sign area of 6m<sup>2</sup> if a more elaborate and solid supporting structure forms part of the advertising sign for residential oriented land use and community services which constitutes the name and nature of the institutions or other community facilities: Provided that the sign panel or lettering shall not occupy more than 50% of the total sign area.
- (12) Advertising signs for residential oriented land use and community services which constitutes street numbers indicating specific premises shall:
- Be limited to one sign per road frontage of each premises;
  - have a minimum size of 150 mm and a maximum size of 350 mm;
  - be erected on the street boundary or on the inside of the property;
  - Not be erected on the sidewalk or pavement of the property.
- (13) Advertising signs for residential oriented land use and community services shall:
- be allowed only inside restricted areas on street corners as indicated in Figure 1 of Schedule 3, but not inside road reserves, if there is, in the opinion of the Council, no other appropriate way of displaying such signs.
  - Only be permitted to be free-standing when it is not practical or visually acceptable, in the opinion of Council, to attach an advertising sign for residential oriented land use and community services to a building, boundary wall, boundary fence, gate or gate structure;

- (c) In the event of a single free-standing advertising sign for residential oriented land use and community services, not exceed 3m in height;
  - (d) In the event of a combination free-standing advertising sign for residential oriented land use and community services, not exceed 4m in height;
  - (e) be allowed only on the premises to which they specifically refer or on the boundary wall or fence or gate of such premises;
  - (f) be permitted to be illuminated only in urban areas of maximum control, urban areas of partial control or urban areas of minimum control.
- (14) The name or logo of the sponsor of an advertising sign for residential oriented land use and community services shall:
- (a) be permitted only on the name signs of farms and smallholdings; and
  - (b) not occupy more than one third of the total area of the sign.

#### 43. ON-PREMISES BUSINESS SIGNS

- (1) Subject to the provisions of Section 9 no on-premises business sign may be erected or displayed without the written permission of the Council, subject to such conditions as the Council may deem necessary.
- (2) Individual free-standing on-premises business signs may only be permitted under special circumstances, which in the opinion of the Council, are justified.
- (3) If there is more than one entrance to premises on different road frontages:
  - (a) two on-premises business signs or advertising panels may be allowed per enterprise, each on a different road frontage; or
  - (b) one combined sign in respect of all businesses on the premises shall be permitted: provided that only one panel per enterprise may be permitted.
- (4) It may be necessary, in the opinion of the Council, to have building plans approved for certain supporting structures.
- (5) On-premises business signs:
  - (a) Shall provide only information on the:
    - (i) name and nature of the business or enterprise on the premises;
    - (ii) brand name and nature of the goods for sale or goods produced;
    - (iii) nature of services provided;
    - (iv) name of the proprietor, partner or practitioner.
  - (b) Shall be limited to locality bound advertisements;
  - (c) May include only the following:
    - (i) Individual free-standing signs on specific business premises.
    - (ii) Signs on appropriate structures on specific premises, such as boundary walls, gates and gate structures.
    - (iii) Combination signs which indicate several businesses or enterprises and which are provided at shopping centres, industrial areas and parking areas shared by several enterprises.
  - (d) Shall include small businesses on urban residential sites or in buildings that were originally constructed for residential or community purposes;

- (e) Shall only be provided in the following instances:
  - (i) Where the building housing an enterprise is, in the opinion of the Council, situated relatively far back from the road or street onto which it faces and passing motorists or pedestrians may, in the opinion of the Council, have difficulty in noticing any signs affixed to such a building: provided that such sign is erected within the boundaries of that particular property;
  - (ii) In cases where, in the opinion of the Council, it is not structurally possible or visually feasible to affix an on-premises business sign to a building;
  - (iii) Where a on-premises business sign is, in the opinion of the Council, needed to locate the entrance to business premises or the private access road to a business;
  - (iv) Where, in the opinion of the Council, a free-standing combination sign may prevent the proliferation of signs.
- (f) Shall not extend above or beyond any of the extremities of the structure to which it is affixed;
- (g) Shall not serve as a directional sign;
- (h) Shall be displayed only on the premises where the business is conducted;
- (i) Shall, where the business or enterprise is situated on a property larger than 5ha, be placed in the immediate vicinity of the business or enterprise: provided that if the business or enterprise is not adjacent to or visible from a public road the on-premises business sign shall be placed at the entrance of the private access road to the business or enterprise;
- (j) if indicating roadside business or enterprises, shall not be erected on side walks or road reserves: provided that such businesses or enterprises shall have direct access to the public road;
- (k) at access roads to farms or smallholdings shall be co-ordinated with signs indicating farm or smallholding names as contemplated in Section 43, in order to form a single combination sign;
- (l) may be illuminated: provided that only external illumination shall be permitted in areas of maximum control;
- (m) shall be limited to the maximum sizes and heights as stipulated in Table 27;

TABLE 27:

| Areas of maximum control   |   |                                  | Areas of partial and minimum control |
|--|---|----------------------------------|--------------------------------------|
|  | On-premises business signs at farm stalls and access roads to farms and smallholdings | Other on-premises business signs |                                      |
| Sign area  | 2m <sup>2</sup>   | 4m <sup>2</sup>                  | 6m <sup>2</sup>                      |
| Occupied area of on-premises business sign in relation to a non-advertising structure to which it is affixed | 50% of the structure  |                                  |                                      |
| Height   | 7m  |                                  | 10m                                  |
| Each sign panel on a combination on-premises business sign at an access road                                 | 1m <sup>2</sup>   |                                  | 2m <sup>2</sup>                      |

#### 44. ADVERTISING ON TOWERS, BRIDGES AND PYLONS

- (1) Subject to the provisions of Section 9 and Section 10 no advertising sign on towers, bridges, pylons and gantries may be erected or displayed without the written permission of the Council, subject to such conditions as the Council may deem necessary.
- (2) Advertising on towers, bridges, pylons and gantries:
  - (a) Shall not be permitted:
    - (i) in areas of maximum control;
  - (b) Not exceed more than 1 advertising sign (single sided) per tower, bridge, pylon or gantry;

- (c) Shall not exceed 20m<sup>2</sup> aggregate sign area per advertising sign;
  - (d) Shall, subject to Subsection (5), have a clear height of 2.4m: provided that the clear height in respect of a bridge or gantry, shall be determined by the applicable height restriction sign or not lower than the clear height of the bridge or gantry;
  - (e) not extend beyond the top of a tower or pylon, or above, below or beyond any of the extremities of a bridge or a gantry: provided that no sign on top of a pylon or gantry shall be higher than 12,5m from the centre of the road surface;
  - (f) shall not be affixed to any structural column of a bridge;
  - (g) shall not project more than 300 mm from the main wall of a tower or from a bridge structure;
  - (h) shall be affixed to the tower, pylon, bridge or gantry in a manner which has been designed and erected to the satisfaction of the Council;
- (3) The position and spacing criteria of advertising on towers, bridges, pylons and gantries, shall be subject to the provisions of Table 7 and Figure 3 in Section 20.
  - (4) Every pylon without the sign shall be such that the entire assembly can be wholly contained within a notional vertical cylindrical figure having a diameter of 9m and a height of 12,5 m, or such dimensions as the Council may require;
  - (5) No protruding part of a pylon sign shall be less than 2,4 m above the highest point of the existing ground level immediately below such pylon or sign.
  - (6) Every pylon shall be independently supported and, in the opinion of the Council, properly secured to an adequate foundation in the ground and entirely self supporting.
  - (7) Illumination or animation may only be permitted in areas of minimum and partial control.
  - (8) No advertising sign shall be affixed to any electrical transmission pylon.
  - (9) The Council may consider a request by the owner of a property which adjoins Council road reserve to erect a pylon solely for the display of the name of the business/es conducted at that particular property, if such sign is, in the opinion of the Council, essential: provided that an agreement shall be signed with the Council setting out the period and fee payable, prior to application for approval of such sign be considered by the Council.

#### 45. SPONSORED ROAD TRAFFIC PROJECTS

- (1) No sponsored road traffic sign shall be displayed, without the written comment of the Council and the relevant roads authority, subject to such conditions as the Council may deem necessary.
- (2) Sponsored road traffic signs:
  - (a) shall refer only to the name of the project and the name or logo of the sponsor;
  - (b) shall not exceed 5m<sup>2</sup>;
  - (c) shall not be displayed on road islands or medians;
  - (d) shall not display or contain a road traffic sign or symbol used in any road traffic sign;
  - (e) may be displayed inside the road reserve of all roads;
  - (f) may not be combined with or attached to road traffic signs.
- (3) The name or logo the sponsor of a project shall not occupy more than one third of the total of any sponsored road traffic sign.

- (4) The minimum distance between sponsored road traffic signs on the same side of the road shall be 1 km.

#### 46. SERVICE FACILITY SIGNS

- (1) No service facility sign shall be displayed, without the written permission of the Council, subject to such conditions as the Council may deem necessary.
- (2) Advertisements on service facility signs shall:
- (a) refer only to the name or logo of a business, company or person providing a service on the property; or
  - (b) indicate only the type of service provided on the property; and
  - (c) be limited to service facilities adjacent to and directly accessible from the public road at which such a sign is directed; and
  - (d) be positioned in strict accordance with the engineering requirements of the Council; and
  - (e) be located as close as possible, in the opinion of the Council, to the access and in front of the service facility site: provided that if the service facility sign cannot be located on the site and have to be located in the road reserve, specific approval shall be obtained from the relevant department within the Council and comment from the relevant road's authority;
  - (f) not be permitted in a road median or on a road island;
  - (g) not exceed the dimensions as stipulated in Table 28;

**TABLE 28:**

|                                  | Height | Width |
|----------------------------------|--------|-------|
| Urban areas                      | 7m     | 2m    |
| Natural areas and urban freeways | 10m    | 3m    |
| Rural areas                      | 20m    | 6m    |

- (h) shall not contain more than:
    - (i) 8 advertising panels per combination sign; and
    - (ii) one business or enterprise or service per advertising panel.
- (3) An advertising panel shall not exceed the sizes as stipulated in Table 29.

**TABLE 29:**

|                                  |                   |
|----------------------------------|-------------------|
| Urban areas                      | 4,5m <sup>2</sup> |
| Natural areas and urban freeways | 6m <sup>2</sup>   |
| Rural areas                      | 18m <sup>2</sup>  |

- (4) Only one service facility sign shall be permitted:
  - (a) on the premises of a filling station or roadside service area;
  - (b) per direction of traffic flow.
- (5) Illumination shall be permitted only if the business or enterprise provides a 24-hour service: provided that facilities with limited after-hours services may be allowed to illuminate their advertisements during their business hours only.
- (6) Supplementary signs at roadside service areas, which do not form part of a combination sign permitted under this Section, may be permitted and shall:
  - (a) Be used for internal direction and orientation only; and
  - (b) not be aimed at passing motorists.
- (7) Sufficient landscaping shall be provided to, in the opinion of the Council, screen rest and service areas from freeways.

#### **47. TOURISM SIGNS**

- (1) No tourism sign shall be displayed, without the written permission of the Council, subject to such conditions as the Council may deem necessary.
- (2) All the provisions as laid down by SARTSM shall be adhered to at all times.
- (3) Tourism signs shall be:
  - (a) trapezoidal in shape; and
  - (b) white on brown in colour
 Subject to the exceptions provided for in SARTSM.
- (4) Tourism signs:
  - (a) Shall only be used to provide directional information to the tourist, road user and traveler;
  - (b) Shall not be used for commercial and competitive advertisements for the facilities, activities and services concerned;
  - (c) Shall not be used for the direct promotion of facilities, activities or services concerned;
  - (d) may be displayed within all road reserves.
- (5) Consent by the relevant authorities for the erection and display of tourism signs shall be submitted by the applicant together with its application in terms of Section 3.



- (6) If a tourism sign is erected, other advertisements relating to the same facility and directed at the road user shall be removed.

#### 48. FUNCTIONAL ADVERTISEMENTS BY PUBLIC BODIES

- (1) No functional advertisement by public bodies shall be displayed without the written permission of the Council, subject to such conditions as the Council may deem necessary.
- (2) Functional advertisements by public bodies:
- (a) may not be used for the purposes of commercial and competitive advertising, unless specific permission therefore has been granted by the Council and the Council deem it necessary;
  - (b) shall not exceed 1m<sup>2</sup> in area: provided that larger functional advertisements by public bodies may be allowed at the discretion of the Council if, in the opinion of the Council, such signs are justified by specific circumstances;
  - (c) may be displayed inside all road reserves other than freeways or provincial roads;
  - (d) may be illuminated if there is, in the opinion of the Council, a need for information or directions to be read after dark.

#### 49. AERIAL SIGNS

- (1) No aerial sign shall be displayed without the written permission of the Council, subject to such conditions as the Council may deem necessary.
- (2) Aerial signs shall not be:
- (a) permitted in natural areas of maximum control;
  - (b) moored within the visual zone along a freeway as set out in Figure 1 of Schedule 3;
  - (c) illuminated or animated: provided that airships/blimp may be illuminated when moored;
  - (d) displayed for a period exceeding two consecutive weeks.
- (3) Except with the written permission of the Department of Civil Aviation, its successor in title or assign:
- (a) No aircraft, which is suspended in the air and over any part of the area, shall be flown at a height of more than 45 m from the surface (measured from ground level or from the surface on which a towing vehicle or vessel is travelling to the top of the craft);
  - (b) no aircraft which is suspended in the air and over any part of the area, shall be flown-
    - (i) closer than the distance as specified by Department of Civil Aviation, its successor in title or assign, from the aerodrome reference point of an aerodrome;
    - (ii) above a public road, except if towed behind a vehicle.
  - (c) no aircraft towed behind a vehicle or vessel shall take off from or land on a public road;
  - (d) No captive or unmanned free balloon, or manned free balloon, aeroplane or airship shall be flown;
  - (e) No aeroplane or airship shall be flown below a certain minimum height, as stipulated by aviation regulations.
- (4) Aerial signs shall be displayed in daylight hours only: provided that when airships are moored, it may be displayed at all times.

- (5) The following information must be submitted to the Council together with the application as contemplated in Section 3:
- (a) the period for which the aerial sign will so be used;
  - (b) the size of the aerial sign;
  - (c) when applicable, the type of gas, with which the aerial sign is to be filled;
  - (d) the strength of the anchorage and of the anchoring cable of the aerial sign;
  - (e) the provision of a device by means of which the aerial sign will automatically so deflate as to sink slowly to the ground in the event of the failure or severance of the anchorage or anchoring cable;
  - (f) the possibility of interference with pedestrian and vehicular traffic;
  - (g) any requirement or condition prescribed by the Department of Civil Aviation, including the maximum permissible height to which the aerial sign must be restricted;
  - (h) the location of the aerial sign.

## 50. VEHICULAR ADVERTISING

- (1) No stationary vehicle shall be used for the sole purpose of advertising.
- (2) Vehicular advertising signs:
- (a) parked for the purpose of storage shall be positioned in such a manner as not to be visible from a street or public place;
  - (b) May be illuminated subject to the following conditions:
    - (i) An internally illuminated sign which indicate that a taxi is for hire.
    - (ii) Retro reflective signs with the colours red to the back, yellow to the side and white to the front of a vehicle.
  - (c) may not extent from the front, back and side edges of the vehicle;
  - (d) may only be displayed if:
    - (i) The vehicle is mobile at all times during which it is in view of a public place.
    - (ii) It complies with all the requirements of the Road Traffic Act and relevant legislation.
- (3) The parking of a vehicle for this type of advertisement on Council or private property for the purposes of third-party advertising may be permitted with the written permission of the Council, subject to such conditions as the Council may deem necessary
- (4) If a vehicular sign is used in contravention of Subsection (2)(d)(i) or any other provision of this By Law, the Council may, without prior noticed, remove and impound the vehicle displaying the vehicular sign.
- (5) Any vehicle containing a vehicular sign impounded in terms of Subsection (4), other than a vehicle or vehicular sign which had to be damaged or destroyed in order to remove it, must be kept by the Council for a period of 30 days from the date of impoundment.
- (6) The Council shall, by notice in writing to the address of the registered owner as it appears in the records of the relevant road's authority, demand that the owner of such vehicle claims the vehicle within 30 days from days of impoundment.
- (7) An owner of a vehicle impounded in terms of Subsection (4) may claim such vehicle within the period specified in Subsection (5) subject to:
- (a) payment of a prescribed fee as determined by the Council from time to time; and
  - (b) A copy of the current license registration papers has been submitted to and verified by the Council.

- (8) The Council may if an advertising sign is not claimed and proof of registration provided to the Council by its owner within the period of 30 days referred to in Subsection (5) destroy or otherwise dispose of the vehicle containing the advertising sign concerned.
- (9) The Council may recover the prescribed fee from any owner who has not claimed his or her vehicular advertising sign in terms of Subsection (7) or who has not provided the relevant registration papers.
- (10) The Council shall not be liable for any damages or to pay compensation of any nature to the person whose vehicle or vehicular sign have been removed or destroyed in terms of this Section or to any other person for whatever reason as a result of such removal and destruction.

**51. TRAILER ADVERTISING**

- (1) No trailer advertising shall be displayed without the written permission of the Council, subject to such conditions as the Council may deem necessary.
- (2) Trailer advertising shall not be permitted:
  - (a) in areas of maximum control;
  - (b) if trailers are not mobile at all times, at an average operating speed without obstructing the traffic;
- (3) Advertisement trailers shall not:
  - (a) display any advertisements while being towed on a freeway;
- (4) The maximum size and height of trailer advertising shall be as stipulated in Table 30.

**TABLE 30:**

|                      |    |
|----------------------|----|
| vertical dimension   | 3m |
| horizontal dimension | 6m |

- (5) Advertisements displayed on a transport trailer shall:
  - (a) in the opinion of the Council, be painted or attached to the sides of the trailer in a permanent manner;
  - (b) be limited to heavier trailers which are able to resist cross winds of up to 30 m per second;
  - (c) in the opinion of the Council, not be used for the sole purpose of advertising
- (6) Advertisement trailers displaying an advertisement shall not be:
  - (a) Parked inside a road reserve; or
  - (b) visible from a freeway within a distance of 50m outside the road reserve boundary of such a freeway; or
  - (c) parked within a restricted area at street corners, or
  - (d) parked on a road island or median;
- (7) Illumination may be permitted: provided that it shall be limited to retro reflective signs with the colours red to the back, yellow to the side and white to the front of the trailer.

- (8) No person shall tow an advertisement trailer through any public street if, in the opinion of the Council or the roads authority, such trailer hinders or obstructs traffic in such street or is likely to do so.
- (9) The name and phone number of the operator together with an identification sticker issued by the Council shall be displayed on all advertisement trailers.
- (10) The design and construction of both advertisement trailers and transport trailers shall comply with the relevant Sections of the Road Traffic Act and the SABS standards for trailers.

## **CHAPTER 7 MISCELLANEOUS**

### **52. TENANCY AT WILL**

- (1) Any person erecting or possessing advertisements, advertising signs or advertising structures on, over any street, footway or pavement shall be regarded a tenant at will of the Council in respect of such advertisements, advertising signs or advertising structures and, if instructed by the Council to remove any or all of them, shall do so either within 14 (fourteen) calendar days if the advertisement or advertising sign is fixed to a pole or other structure, or immediately if the advertisement or advertising sign is free standing and portable, without any compensation either for direct, indirect or consequential damages.
- (2) The Council may remove such advertisement, advertising sign or advertising structure in the event of non-compliance with the provisions of Subsection (1) and the expenses of such removal shall be recoverable from the owner of the building or from the person to whom the advertisement, advertising sign or advertising structure belong.
- (3) Any advertisement, advertising sign or advertising structure removed in terms of Subsection (2), other than an advertisement, advertising sign or advertising structure which had to be damaged or destroyed in order to remove it, may be claimed by its owner within 21 days of its removal, and if not so claimed may be destroyed by the Council.
- (4) If an owner claims any advertisement, advertising sign or advertising structure in terms of Subsection (2), the advertisement, advertising sign or advertising structure concerned must be returned to him or her subject to the payment of the prescribed fee as determined by the Council from time to time.
- (5) The Council may recover the expenses contemplated in Subsection (2) and the prescribed fee contemplated in Subsection (4) from any person who does not claim his or her advertisement, advertising sign or advertising structure as contemplated in Subsection (3).
- (6) The Council shall not be liable for any damages or to pay compensation of any nature to the person whose advertisement, advertising sign or advertising structure contemplated in this Section have been removed or destroyed in terms of this Section or to any other person for whatever reason as a result of such removal and destruction.

**53. TRANSITIONAL PROVISIONS**

- (1) This By-Law will supersede all previous and other Policies addressing Outdoor Advertising Control.
- (2) Any advertisement, advertising sign and advertising structure which does not comply with provisions of this By Law and which was lawfully displayed on the day immediately preceding the commencement of this By Law shall be exempted from the requirements of this By Law if the sign in the opinion of the Council is properly maintained and is not altered, moved or re erected as contemplated in Section 83.
- (3) Every owner of land including a building on land on which an advertisement, advertising sign or advertising structure was erected without formal approval, before the coming into operation of this By Law shall, or any advertisement, advertising sign or advertising structure that was erected or displayed on the date of commencement of this By Law without formal approval, that is prohibited by this By Law and is not an advertisement, advertising sign or advertising structure for which the Council may grant approval, must be removed 30 June 2021.
- (4) Where an advertisement, advertising sign or advertising structure has been erected or displayed on the date of commencement of this By Law without formal approval, which, in terms of this By Law, may not be so erected or displayed without the approval of the Council, the owner of the advertisement, advertising sign or advertising structure must obtain approval by the Council, as the case may be, by 30 June 2020, failing which the advertisement, advertising sign or advertising structure must be removed forthwith. No such application may be made in respect of an advertisement, advertising sign or advertising structure contemplated in Section 10.
- (5) If approval for an advertisement, advertising sign or advertising structure contemplated in Subsection (4) has been refused, the owner must remove it within 30 days of notification of such refusal. Where such a notification has been posted by registered post or email, the owner will be deemed to have received it eight days after posting thereof.
- (6) Where an advertisement, advertising sign or advertising structure has been erected or displayed on the date of commencement of this By Law with a formal approval and / or contract from any former legal authority which by that time had the legal rights to give such approval and / or contract, which in terms of this By Law may not be so erected, an agreement must be reached between the Council and the owner of the advertisement, advertising sign or advertising structure by 30 June 2021. This agreement shall address the correction, removal, relocation or replacement of the advertisement, advertising sign or advertising structure, in what ever way, to adhere to this By Law. The proof of this formal approval and/or contract has to be submitted to the Council on request. After agreement has been reached, a new approval and / or contract, if applicable, shall be compiled between the Council and the owner of the advertisement, advertising sign or advertising structure.
- (7) The Council may, without notice, remove advertisements, advertising signs or advertising structures in the event of non-compliance with the provisions of Subsection (3), Subsection (5) or Subsection (6) and the expenses of such removal shall be recoverable from the owner of the building or from the person to whom the advertisement, advertising sign or advertising structure belong.
- (8) Any advertisement, advertising sign or advertising structure removed in terms of Subsection (7), other than an advertisement, advertising sign or advertising structure which had to be damaged or destroyed in order to remove it, may be claimed by its owner within 21 days of its removal, and if not so claimed may be destroyed by the Council.

- (9) If an owner claims any advertisement, advertising sign or advertising structure in terms of Subsection (8), the advertisement, advertising sign or advertising structure concerned may be returned to him or her subject to the payment of the prescribed fee as determined by the Council from time to time.
- (10) The Council may recover the expenses contemplated in Subsection (7) and the prescribed fee contemplated in Subsection (9) from any person who does not claim his or her advertisement, advertising sign or advertising structure as contemplated in Subsection (8).
- (11) The Council shall not be liable for any damages or to pay compensation of any nature to the person whose advertisement, advertising sign or advertising structure contemplated in this Section have been removed or destroyed in terms of this Section or to any other person for whatever reason as a result of such removal and destruction.
- (12) Any advertisement, advertising sign or advertising structure relating to an organ of state as defined in the constitution shall be exempted from this provision and all such advertisements, advertising signs and advertising structures shall be regarded as having been erected lawfully.

**54. ADVERTISEMENTS, ADVERTISING SIGNS AND ADVERTISING STRUCTURES NOT DESCRIBED IN THIS BY LAW**

- (1) Any advertising sign which was not categorized and for which provision was not made in this By Law:
  - (a) will be addressed on an ad-hoc basis and considered by Council;
  - (b) shall conform to the requirements for advertising signs as contemplated in this By Law;
  - (c) shall conform to all requirements as stipulated in any law, By-law, town planning scheme or other legislative requirement and in particular shall be constructed, erected and contain information as set out in:
    - (i) SAMOAC;
    - (ii) SARTSM; or
    - (iii) any other related manual issued by the government of the Republic of South Africa; and
    - (iv) any other related manual issued by the Sedibeng District Municipality or its successors in title or assigns.

**55. ERECTION, MAINTENANCE AND REMOVAL OF ADVERTISEMENTS, ADVERTISING SIGNS AND ADVERTISING STRUCTURES**

- (1) The owner of an advertisement, advertising sign or advertising structure is responsible for:
  - (a) Erecting such advertisement, advertising sign or advertising structure;
  - (b) Erecting such sign in a workmanlike manner;
  - (c) Maintaining that advertisement, advertising sign or advertising structure and the surrounding area so that it does not become unsightly or deteriorate to such a degree, in the opinion of the Council that it is in conflict with any provision of this By Law.
- (2) An owner contemplated in Subsection (1), must carry out regular inspections of an advertisement, advertising sign or advertising structure with a view to satisfying himself or

herself that it has been properly maintained as contemplated in Subsection (1) and forthwith carry out any necessary maintenance resultant upon such inspection.

- (3) If the owner contemplated in Subsection (1) does not maintain the advertisement, advertising sign or advertising structure and surrounding area as contemplated in Subsection (1), then and in such an event the Council may, in its sole discretion, without notification to such person, do the necessary work to maintain the advertisement, advertising sign or advertising structure and surrounding area, and recover all costs incurred for doing so, from the responsible person contemplated in Section 60.
- (4) If, in the opinion of the Council, any advertisement, advertising sign or advertising structure is in a dangerous or unsafe condition or has been allowed to fall into a state of disrepair or is in conflict with any requirement of this By Law, or interferes with the functioning of any road traffic sign, the Council may serve a notice on the owner of such advertisement, advertising sign or advertising structure requiring him or her, at his or her own cost, to remove the advertisement, advertising sign or advertising structure or to take other steps relating to the maintenance specified in the notice, within a period so specified.
- (5) If any advertisement, advertising sign or advertising structure is displayed so that in the opinion of the Council it is detrimental to the environment or to the amenities of the neighbourhood, or otherwise in contravention of any requirement of this By Law, the Council may serve a notice on the owner of the advertisement, advertising sign or advertising structure to remove such advertisement, advertising sign or advertising structure or carry out such alteration thereto or do such work as may be specified in such notice within a time specified in the notice.
- (6) If an approved advertising structure does not display an advertisement or message for a period of more than 6 months or as otherwise agreed to by the Council, the Council may serve a notice on the owner requiring him, at his own cost, to remove the structure or to display an advertisement within a period so specified.
- (7) If a notice served in terms of Subsection (6) is not complied with, the Council may, in addition to any other remedies available to it in terms of this By Law, by notice in writing, require the owner of the advertising structure at his or her own cost to display a community message specified by the Council, until that owner displays an advertisement on the structure concerned.

- (8) If the Council is of the opinion that an advertisement, advertising sign or advertising structure constitutes an imminent danger to any person or property, the Council may without serving a notice in terms of Subsection (6), or if such a notice has been served but not complied with within the period specified therein, remove that advertisement, advertising sign or advertising structure or take other steps which the Council may consider necessary, and may recover the cost thereof from the responsible person referred to in Section 60.
- (9) The Council may remove any advertisement, advertising sign or advertising structure without further notice, after expiry of the period of notification contemplated in Subsection (4), (5) or (6) and in the event of the responsible person not having removed such advertisement, advertising sign or advertising structure.
- (10) Any advertisement, advertising sign or advertising structure removed in terms of Subsection (9), other than an advertisement, advertising sign or advertising structure which had to be damaged or destroyed in order to remove it, may be claimed by its owner within 21 days of its removal, and if not so claimed may be destroyed by the Council.
- (11) If an owner claims any advertisement, advertising sign or advertising structure in terms of Subsection (10), the advertisement, advertising sign or advertising structure concerned may be returned to him or her subject to the payment of the prescribed fee as determined by the Council from time to time.
- (12) The Council may recover the prescribed fee contemplated in Subsection (11) from any person who does not claim his or her advertisement, advertising sign or advertising structure as contemplated in Subsection (10).
- (13) The Council shall not be liable for any loss or damage or to pay compensation of any nature to the person whose advertisement, advertising sign or advertising structure contemplated in this Section has been removed or destroyed in terms of this Section or to any other person for whatever reason as a result of such removal and destruction.
- (14) Any costs incurred by the Council in removing a sign or in doing alterations or other necessary works may be recovered from the person on whom the notice was served, or if a deposit has been paid in respect of such sign the costs may be deducted from the deposit.
- (15) Notwithstanding the provisions of Subsection (2), (4), (5) and (6) if an advertisement, advertising sign or advertising structure:
  - (a) In the opinion of the Council, constitutes a danger to life or property;
  - (b) In the opinion of the Council, is obscene;
  - (c) Is in contravention of this By Law and is erected on, attached to or displayed on Council land,The Council may, without serving any notice, remove any such advertisement, advertising sign or advertising structure or cause it to be removed at the expense of the person referred to in Section 60.
- (16) The approval for an advertisement, advertising sign or advertising structure in terms of this By Law lapses without further notification if the owner on whom a notice has been served in terms of Subsection (4), Subsection (5) or Subsection (6) fails to comply with the requirements of the notice within the period specified therein.



**56. DAMAGE TO COUNCIL PROPERTY**

- (1) No person shall intentionally or negligently, in the course of erecting, altering, displaying, maintaining or removing any advertisement, advertising sign, advertising structure, cause damage to any tree, electric standard or service or other Council installation or property.
- (2) If the Council property is so damaged, the Council may serve a notice on the owner of such advertisement, advertising sign or advertising structure requiring him or her, at his or her own cost, to remove the advertisement, advertising sign or advertising structure or take other steps the Council may deem necessary and specified in the notice, within a period so specified.
- (3) The Council may remove any advertisement, advertising sign or advertising structure without further notice, after expiry of the period of notification contemplated in Subsection (2) in the event of the responsible person not having removed such advertisement, advertising sign or advertising structure or not having attended to the steps as required in the notice.
- (4) Any advertisement, advertising sign or advertising structure removed in terms of Subsection (3), other than an advertisement, advertising sign or advertising structure which had to be damaged or destroyed in order to remove it, may be claimed by its owner within 21 days of its removal, and if not so claimed may be destroyed by the Council.
- (5) If an owner claims any advertisement, advertising sign or advertising structure in terms of Subsection (4), the advertisement, advertising sign or advertising structure concerned may be returned to him or her subject to the payment of the prescribed fee as determined by the Council from time to time.
- (6) The Council may recover the prescribed fee contemplated in Subsection (5) from any person who does not claim his or her advertisement, advertising sign or advertising structure as contemplated in Subsection (4).
- (7) The Council shall not be liable for any loss or damage or to pay compensation of any nature to the person whose advertisement, advertising sign or advertising structure contemplated in this Section has been removed or destroyed in terms of this Section or to any other person for whatever reason as a result of such removal and destruction.
- (8) The Council may however elect to repair the said advertisement, advertising sign, advertising structure or item damaged as contemplated in Subsection (1), and recovers the costs thereof from the owner of the advertisement, advertising sign or advertising structure.
- (9) The costs for any repairs necessary in the event of damage caused in the course of erecting, altering, displaying, maintaining or removing an advertisement, advertising sign or advertising structure, and removal of such items will be for the account of persons contemplated in terms of Section 60.

**57. ENTRY AND INSPECTION**

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

**58. OFFENCES AND PENALTIES**

- (1) Any person who:
- (a) contravenes or fails to comply with any provisions of this By Law;
  - (b) contravenes or fails to comply with any requirement set out in a notice issued and served on him in terms of this By Law;
  - (c) contravenes or fails to comply with any condition imposed in terms of this By Law;
  - (d) knowingly makes a false statement in respect of any application in terms of this By Law;
  - (e) obstructs, hinders or interferes with an authorised official or other official of the Council acting under power delegated to him or her, in the exercise of any power or the performance of any duty under this By Law;
  - (f) fails or refuses to furnish to an authorised official or other official of the Council acting under power delegated to him or her, any documentation or information required for the purposes of this By Law or furnishes a false or misleading document or false or misleading information;
  - (g) fails or refuses to comply with any instruction given in terms of or for the purposes of this By Law; or
  - (h) pretends to be an authorised official or other official of the Council acting under power delegated to him or her;
  - (i) in any manner whatsoever imitates, counterfeits or copies, or who, without the written permission of the Council, reproduces, fabricates, produces or manufactures stickers as contemplated in this By Law; or
  - (j) displays a sticker as contemplated in Subsection (1)(i);

Shall be guilty of an offence and shall on conviction be liable to a fine as set out in the fine schedule as determined by the Council from time to time.

**59. INDEMNITY**

- (1) The owner of any advertisement, advertising sign or advertising structure or the owner of the land or building on which such sign is to be erected and displayed, or both such owners, shall indemnify the Council to its satisfaction against any consequence flowing from the erection, display or mere presence of such sign.
- (2) The applicant and owner of the advertisement, advertising sign or advertising structure and owner of the property, by signing the application form, indemnify and hold the Council harmless against any damages or loss any person or entity may suffer as a result of the use of any trade mark or related right, whether registered or not, of any person or entity which are displayed in any advertisement, advertising sign or advertising structure.
- (3) The Council shall not be held responsible by any person or entity whatsoever for loss or damages as a result of the use by any applicant, owner of an advertisement, owner of an advertising sign, owner of an advertising structure or for the erection or display by any person of any trade mark or other right of such first mentioned person or entity for any reason whatsoever.

**60. RESPONSIBLE PERSON**

- (1) If any person is charged with an offence referred to in Section 58 relating to any advertisement, advertising sign or advertising structure it shall be deemed that such person either erected or displayed the advertisement, advertising sign or advertising structure or caused or allowed it to be erected or displayed.

- (2) The owner of any land or building on which any advertisement, advertising sign or advertising structure was erected or displayed, shall be deemed to have displayed such advertisement, advertising sign or advertising structure, or caused or allowed it to be erected or displayed, unless the contrary is proved.
- (3) Any person who was either alone or jointly, with any other person responsible for organising, or was in control of, any meeting, function or event to which an advertisement, advertising sign or advertising structure relates, shall be deemed to have erected or displayed every advertisement, advertising sign or advertising structure displayed in connection with such meeting, function or event or to have caused or allowed it to be erected or displayed, unless the contrary is proved.
- (4) Any person whose name appears on an advertisement, advertising sign or advertising structure or poster shall be deemed to have displayed such advertisement, advertising sign, advertising structure or poster or to have caused or allowed it to be displayed, unless the contrary is proved.

## 61. PUBLIC PARTICIPATION

- (1) After lodging an application in terms of Section 3 for approval of an advertisement, advertising sign or advertising structure in respect of class 1(a), class 1(b), class 1(c), class 1(d), class 2(g), class 3(b), class 3(c), class 3(d), class 3(l) and class 4(b), the applicant must forthwith cause a notice in a prescribed form as stipulated in Schedule 4 hereof, to be published once in English and in one other official language newspaper circulating in the area in which the property to which the application relates is situated : provided that no such notice may be published during the period from 12 December to 3 January of the following year, both dates included.
- (2) The applicant must from the date of publication of a notice in terms of Subsection (1), display a notice in a prescribed form as set out in Schedule 4 in English and one other official language in a conspicuous place visible to the public on a street front of the property on which the proposed sign will be erected
- (3) The applicant must maintain a notice displayed in terms of Subsection (2), for a period of at least 21 days from the date of the publication of the notice in terms of Subsection (1).
- (4) A notice contemplated in Subsections (1) and (2), must contain a statement:
  - (a) that details of the application concerned will be open for inspection at the Council for a period of 21 (twenty-one) calendar days from the date of publication of the notice in terms of Subsection (1); and
  - (b) that any person may within 14 (fourteen) calendar days from the expiry of the period specified in Subsection (4)(a), submit comments or representations, or lodge an objection, in writing in respect of the application concerned.
- (5) Any person proposing to submit comments or representations or lodge an objection as contemplated in Subsection (4), must address such comments, representations or objections to both the Council and the applicant concerned at their respective addresses specified in the notices so contemplated.
- (6) The Council may if the proposed advertising sign will be visible from any property used for residential purposes, require the applicant to notify the owner of that property in writing of the application and obtain his or her written comments on the proposed advertising sign.

- (7) An applicant contemplated in Subsection (1), must submit the original newspaper cuttings showing the notices and the date and name of the newspapers in which notices have been published in terms of Subsection (1) and a photograph indicating the first and last date of the notice displayed in terms of Subsection (2), accompanied by an affidavit confirming compliance with that Subsection, immediately once the period for the display thereof has expired.
- (8) The applicant must furnish proof to the satisfaction of the Council that he or she has complied with the provisions of this Section.

## **62. SERVING OF NOTICE**

- (1) Any notice that is required to, or may, be served, delivered or given in terms of, or for the purposes of, this By Law, must be served in any of the following ways:
  - (a) By handing a copy of the notice to the person concerned;
  - (b) by leaving a copy of the notice at the person's place of residence, business or employment with any other person who is apparently at least 16 years or older;
  - (c) by affixing a copy to the main entrance or principal door of the property;
  - (d) by email a copy of the notice to the person, if the person has in writing furnished an email address to the Council or an authorised official;
  - (e) by handing a copy of the notice to any representative authorised in writing to accept service on behalf of the person;
  - (f) if the person has chosen an address for service, by handing a copy of the notice to a person who is apparently at least 16 years old at that address;
  - (g) by sending a copy of the notice by registered or certified post to the last-known address of the person concerned, and, unless the contrary is proved, it is deemed that service was effected on the seventh day following the day on which the document was posted;
  - (h) if the person is a company or other body corporate, by serving a copy of the notice on an employee of the company or body corporate at its registered office or its principal place of business within the Republic, or its main place of business in the area of jurisdiction of the Council, or if there is no employee willing to accept the service by affixing a copy of the notice to the main door of the office or place of business; or
  - (i) if the person is a partnership, firm or voluntary association, by serving a copy of the notice on a person who at the time of service is apparently in charge of the premises and apparently at least 16 years of age, at the place of business of such partnership, firm or association or if such partnership, firm or association has no place of business, by serving a copy of the notice on a partner, the owner of the firm or the chairman or secretary of the managing or other controlling body of such association, as the case may be.

**63. TARIFFS**

Every person who applies in the Council for approval or permission of any advertisement, advertising sign or advertising structure to be erected or displayed, irrespective being on private property or Council land, shall on making the application, pay to the Council the fee determined from time to time, and no application shall be accepted or considered until such fee has been paid.

**64. SHORT TITLE**

This By-Law is referred to as the Midvaal Outdoor Advertising By Law and will come into operation on date of approval of the By Law by the Council.

**SCHEDULE 1****APPLICATION FORM FOR APPROVAL OF AN OUTDOOR ADVERTISING SIGN, EXTENSION OF TIME PERIOD OR AMENDMENT OF AN OUTDOOR ADVERTISING SIGN**

Tick the appropriate box:

|                   |                          |
|-------------------|--------------------------|
| New application   | <input type="checkbox"/> |
| Extension of time | <input type="checkbox"/> |
| Amendment         | <input type="checkbox"/> |

| <b>PART 1: DETAILS OF APPLICANT</b>              |                               |  |         |
|--|-------------------------------|--|---------|
| Full Names/Company Name:                         |                               | Identity/Registration Number:                              |         |
| Physical address:                                |                               | Postal address:  |         |
| Tel:   | Fax:                          | Cell:  | e-mail: |
| Contact Name:                                    | Authorised Signature:         | Date signed (not earlier than 7 days prior to submission): |         |
| <b>PART 2: DETAILS OF PROPERTY AND OWNERSHIP</b> |                               |  |         |
| Township Name:                                   | Agricultural Holding Name:    | Farm Name:   |         |
| Erf Number:                                      | AH Number:                    | Farm Number:   |         |
| Portion Number:                                  | Portion Number:               | Portion Number:  |         |
| Registration Division:                           |                               |  |         |
| Title Deed Number:                               | Deeds Registry:               |  |         |
| Registered Owner:                                | Identity/Registration Number: |  |         |
| Physical address:                                |                               | Postal address:  |         |
| Tel.:  | Fax:                          | Cell:  | e-mail: |

|   |   |   |                          |             |                          |              |                          |
|---|---|---|--------------------------|-------------|--------------------------|--------------|--------------------------|
| Signature of registered owner/s of property and building, consenting to this application being submitted and approved and to the appearance and contents of the advertising sign for which permission is applied for, and indemnifying the Council against any loss or damage any person may suffer as a result of the use of any trade mark or related right, whether registered or not                          |   | Date: (not earlier than 7 days prior to submission) |                          |             |                          |              |                          |
| Signature of owner/s of advertisement, advertising sign or advertising structure, consenting to this application being submitted and approved and to the appearance and contents of the advertising sign for which permission is applied for, and indemnifying the Council against any loss or damage any person may suffer as a result of the use of any trade mark or related right, whether registered or not: |   | Date: (not earlier than 7 days prior to submission) |                          |             |                          |              |                          |
| <b>PART 3: DETAILS OF PROPOSED ADVERTISEMENT</b>  |   |   |                          |             |                          |              |                          |
| Description of advertisement:   | Clear Height:                           | Type of advertising sign [Section 11]               |                          |             |                          |              |                          |
| Contents of advertisement:  | Total Height:                           | Council Reference Number previously allocated:      |                          |             |                          |              |                          |
| Size of advertisement:  | Area of advertisement in square meters: | Previous approval date:                             |                          |             |                          |              |                          |
| Details of proposed amendment:  |   |   |                          |             |                          |              |                          |
| <b>TICK/COMPLETE THE RELEVANT BOX</b>   |   |   |                          |             |                          |              |                          |
| Single sided  | <input type="checkbox"/>                | Illumination  | <input type="checkbox"/> | On premises | <input type="checkbox"/> | No of years  | <input type="checkbox"/> |
| Double sided  | <input type="checkbox"/>                | Externally illuminated                              | <input type="checkbox"/> | Third party | <input type="checkbox"/> | No of months | <input type="checkbox"/> |
| Three sided   | <input type="checkbox"/>                | Internally illuminated                              | <input type="checkbox"/> |             | <input type="checkbox"/> |              | <input type="checkbox"/> |

| <b>PART 4: REQUIRED ATTACHMENTS: NEW APPLICATIONS AND APPLICATIONS FOR AMENDMENTS</b>  |                              |   |                     |
|--|------------------------------|---|---------------------|
|  | Required                     | Required for Class Number   | For Office Use Only |
| Prescribed fee [Section 3(3)(a)]   | √                            | All   |                     |
| Original power of attorney by applicant [Section 3]  | √ If not signed by applicant | All   |                     |
| Original power of attorney by applicant [Section 3]  | √ If not signed by applicant | All   |                     |
| Original power of attorney by owner of advertisement, advertising sign or advertising structure [Section 3]  | √ If not signed by owner     | All   |                     |
| Original power of attorney by registered owner of property [Section 3]   | √ If not signed by owner     | All   |                     |
| Locality Plan in colour [Section 3(3)(b)]  | √                            | 1(a); 1(b); 1(c); 1(d); 2(a); 2(b); 2(f) [Only for neighbourhood watch signs]; 2(g); 3(b); 3(c); 3(d); 3(e); 3(h); 3(j); 3(k); 3(l); 4(b); 4(c); 4(d); 5(a); 5(c) |                     |
| Surveyor Diagram [Section 3(3)(c)]   | √                            | 1(a); 1(b); 1(c); 1(d); 2(g); 3(l); 4(b)  |                     |
| Drawing of proposed advertisement, advertising sign or advertising structure [Section 3(3)(d)]   | √                            | 1(a); 1(b); 1(c); 1(d); 2(a); 2(b); 2(c); 2(d)(iv); 2(f); 2(g); 3(b); 3(c); 3(d); 3(e); 3(g); 3(h); 3(i); 3(j); 3(k); 3(l); 4(a); 4(b); 4(c); 4(d); 5(a); 5(c)    |                     |
| Colour photograph of other advertisements, advertising signs or advertising structures within 400m or 200m of proposed advertisement [Section 3(3)(d)]         | √                            | 1(a); 1(b); 1(c); 1(d); 2(a); 2(b); 2(c); 2(d)(iv); 2(f); 2(g); 3(b); 3(c); 3(d); 3(e); 3(g); 3(h); 3(i); 3(j); 3(k); 3(l); 4(a); 4(b); 4(c); 4(d); 5(a); 5(c)    |                     |
| Drawing in respect of the appearance including a full description of the materials and finishes, elevations and sections [Section 3(3)(e) and Section 3(3)(f)] | √                            | 1(a); 1(b); 1(c); 1(d); 2(a); 2(f) [only in respect of neighbourhood watch signs]; 2(g); 3(b); 3(c); 3(d); 3(e); 3(j); 3(l); 4(b)                                 |                     |
| An artist's impression of the final product in its settings [Section 3(3)(g)]  | √                            | 1(a); 1(b); 1(c); 1(d); 2(g); 3(b); 3(c)  |                     |
| Written proof of building line relaxation [Section 3(3)(h)]  | If applicable                | 1(a); 1(b); 1(c); 1(d); 2(a); 2(b); 2(c); 2(d)(iv); 2(f) [only in respect of neighbourhood watch signs]; 2(g); 3(d); 3(k); 3(l); 4(a); 4(b) and 4(c)              |                     |



|   |   |  |  |
|---|---|--|--|
| Approved building plans with elevation and measurements of the building and details, measurements and position of proposed advertisement, advertising sign or advertising structure and existing advertisements, advertising signs and advertising structures [Section 3(3)(i)] | √   | 1(d); 2(a); 2(b); 2(g); 3(b); 3(c); 3(d); 3(j); 3(k); 3(l) and 4(b)  |  |
| Engineer's appointment and certificate [Section 3(3)(j)]  | √   | 1(a); 1(b); 1(c); 1(d); 2(a) [only in respect of large posters]; 2(f) [only in respect of neighbourhood watch signs]; 2(g); 3(b); 3(c); 3(d); 3(j); 3(k); 3(l); 4(b); 4(d)                           |  |
| Copy of title deed for each property upon which the advertisement, advertising sign or advertising structure is proposed to be erected [Section 3(3)(l)]  | √   | 1(a); 1(b); 1(c); 1(d); 2(a); 2(b); 2(d)(iv); 2(f) [only in respect of neighbourhood watch signs]; 2(g); 3(b); 3(c); 3(d); 3(e); 3(h); 3(j); 3(k) and 3(l)   |  |
| Approved Surveyor General Diagram [Section 3(3)(m)]   | √   | 1(a); 1(b); 1(c); 1(d); 2(g); 3(l); 4(b)   |  |
| Zoning certificate of the property/ies [Section 3(3)(n)]  | √   | 1(a); 1(b); 1(c); 1(d); 2(a); 2(b); 2(c); 2(d)(iv); 2(f) [only in respect of neighbourhood watch signs]; 2(g); 3(b); 3(c); 3(d); 3(e); 3(h); 3(j); 3(k); 3(l); 4(a); 4(b); 4(c); 4(d); 5(a) and 5(c) |  |
| Zoning map indicating the land uses of every property adjacent to the property [Section 3(3)(no)]   | √   | 1(a); 1(b); 1(c); 1(d); 2(a); 2(b); 2(c); 2(d)(iv); 2(f) [only in respect of neighbourhood watch signs]; 2(g); 3(b); 3(c); 3(d); 3(e); 3(h); 3(j); 3(k); 3(l); 4(a); 4(b); 4(c); 4(d); 5(a) and 5(c) |  |
| Written proof of promulgation [Section 3(3)(p)]   | All subdivisions, consolidations, township establishments, rezoning | All  |  |
| Written proof of registration in the deeds office [Section 3(3)(p)]   | All subdivisions, consolidations, township establishments, rezoning | 1(a); 1(b); 1(c); 1(d); 2(a); 2(b); 2(c); 2(d)(iv); 2(f) [only in respect of neighbourhood watch signs]; 2(g); 3(b); 3(c); 3(d); 3(e); 3(h); 3(j); 3(k); 3(l); 4(a); 4(b); 4(c); 4(d); 5(a) and 5(c) |  |

|  |   |  |  |
|--|---|--|--|
| Environmental Impact Assessment approval [Section 3(3)(q)]   | √ | 1(a); 1(b); 1(c); 1(d); 3(b); 3(l)   |  |
| A written report pertaining to visual, social and traffic safety aspects [Section 3(3)(q)(ii)]                                 | √ | 1(a); 1(b); 1(c); 1(d); 3(b); 3(l)   |  |
| Written permission by the department within the Council responsible for road traffic matters [Section 3(3)(r)]                 | √ | 1(a); 1(b); 1(c) and 1(d)  |  |
| Advertising impact assessment [Section 3(3)(s) and Section 3(3)(x)(iii)]   | √ | 1(a); 1(b); 1(c); 3(l) where it is larger than 9m <sup>2</sup>   |  |
| Street listing indicating position of posters [Section 3(3)(t)(i)]   | √ | 2(d)(iii)  |  |
| A non-refundable deposit [Section 3(3)(t)(ii)]   | √ | 2(d)(iii)  |  |
| An Example of every poster applied for [Section 3(3)(t)(iii)]  | √ | 2(d)(iii)  |  |
| Colour photograph of the poster [Section 3(3)(r)(iv)]  | √ | 2(d)(iii)  |  |
| An example of the frame in which the posters will be displayed [Section 3(3)(t)(v)]  | √ | 2(d)(iii)  |  |
| Affidavit by the applicant and the owner of a poster [Section 3(3)(u)]   | √ | Category five posters in class 2(d)(iii); 3(d)   |  |
| Structural drawing for advertisements, advertising signs or advertising structures in excess of a clear height of more than 6m | √ | 3(d)   |  |
| Building plans or letter by relevant official that no building plans are required [Section 3(3)(w)]                            | √ | 3(j); 3(k); 3(l)   |  |
| Traffic impact assessment report [Section 3(3)(x)]   | √ | 3(l) if sign is affixed to bridge or gantry  |  |
| Written comment by roads authority/ies [Section 3(3)(x)(ii), Section 3(3)(y)]  | √ | 3(l); 4(a)   |  |
| Written comment by roads authority/ies [Section 3(3) (aa)]   | √ | All signs visible from national or provincial road   |  |
| Written permission by the department within the Council responsible for road traffic matters [Section 3(3)(ii) (aa)]           | √ | All signs intended to be erected within road reserve   |  |
| Written permission by roads authority/ies [Section 3(3)(ii) (bb)]  | √ | All signs intended to be erected within road reserve   |  |
| Written permission by the Tourism Authority [Section 3(3)(cc)]   | √ | 4(a)   |  |
| Written permission by the Department of Civil Aviation [Section 3(3)(cc)]  | √ | 5(a)   |  |
| Written permission by the Council [Section 3(3) (dd)(i)]   | √ | All advertisements, advertising signs or advertising structures to be erected or displayed on Council land or other Council property |  |

|   |                              |  |                     |
|---|------------------------------|--|---------------------|
| Written agreement of lease [Section 3(3)(dd)(ii)]   | √                            | Advertisements, advertising signs or advertising structures to be erected or displayed on Council land or other Council property   |                     |
| Written permission by the Council or other person in respect of Coat of arms or corporate identity [Section 3(3)(ee)]                     | √                            | Advertisements, advertising signs or advertising structures incorporating the council's coat of arms or corporate identity or the corporate identity of any other person or entity                   |                     |
| Written permission by the electricity supply authority [Section 3(3)(ff)]   | √                            | All advertisements, advertising signs or advertising structures intended to be illuminated   |                     |
| <b>PART 5: REQUIRED ATTACHMENTS: EXTENSION OF TIME PERIODS</b>  |                              |  |                     |
|   | Required                     | Required for Class Number  | For Office Use Only |
| Original power of attorney by applicant [Section 5(2)]  | √ If not signed by applicant | All  |                     |
| Original power of attorney by owner of advertisement, advertising sign and advertising structure [Section 5(2)]                           | √ If not signed by owner     | All  |                     |
| Original power of attorney by registered owner of property [Section 5(2)]   | √ If not signed by owner     | All  |                     |
| Prescribed fee [Section 5(2)(a) and Section 5(7)(a)]  | √                            | All  |                     |
| Written motivation [Section 5(2)(b) and Section 5(7)(b)]  | √                            | All  |                     |
| Colour photograph of the advertisement, advertising sign or advertising structure [Section 5(2)(d)]                                       | √                            | All  |                     |
| Copy of title deed for each property upon which the advertisement, advertising sign or advertising structure is erected [Section 5(2)(d)] | √                            | 1(a); 1(b); 1(c); 1(d); 2(a); 2(b); 2(d)(iv); 2(f) [only in respect of neighbourhood watch signs]; 2(g); 3(b); 3(c); 3(d); 3(e); 3(h); 3(j); 3(k) and 3(l)   |                     |
| Zoning certificate of the property/ies [Section 5(2)(e)]  | √                            | 1(a); 1(b); 1(c); 1(d); 2(a); 2(b); 2(c); 2(d)(iv); 2(f) [only in respect of neighbourhood watch signs]; 2(g); 3(b); 3(c); 3(d); 3(e); 3(h); 3(j); 3(k); 3(l); 4(a); 4(b); 4(c); 4(d); 5(a) and 5(c) |                     |

|   |   |   |  |
|---|---|---|--|
| Zoning map indicating the land uses of the property and every property adjacent to the property [Section 5(2)(f)] | √ | 1(a); 1(b); 1(c); 1(d);<br>2(a); 2(b); 2(c); 2(d)(iv);<br>2(f) [only in respect of<br>neighbourhood watch<br>signs]; 2(g); 3(b); 3(c);<br>3(d); 3(e); 3(h); 3(j);<br>3(k); 3(l); 4(a); 4(b);<br>4(c); 4(d); 5(a) and 5(c) |  |
| Engineer's certificate re structural stability [Section 5(2)(g)]  | √ | 1(a); 1(b); 1(c); 1(d);<br>2(a) [only in respect of<br>large posters]; 2(f) [only<br>in respect of<br>neighbourhood watch<br>signs]; 2(g); 3(b); 3(c);<br>3(d); 3(j); 3(k); 3(l); 4(b);<br>4(d)                           |  |
| Written comment by roads authority/ies [Section 5(2)(h)]  | √ | 3(l); 4(a)  |  |
| Written comment by roads authority/ies [Section 5(2)(i)]  | √ | All signs visible from<br>national or provincial<br>road  |  |
| Written permission by relevant roads or traffic department within Midvaal Local Authority [Section 5(2)(j)(i)]    | √ | All signs erected within<br>road reserve, road<br>median or island or<br>restricted areas   |  |
| Written permission by roads authority/ies [Section 5(2)(j)(ii)]   | √ | All signs erected within<br>road reserve road<br>median or island or<br>restricted areas  |  |
| Written permission by the Tourism Authority [Section 5(2)(k)]   | √ | 4(c)  |  |
| Written permission by the Department of Civil Aviation [Section 5(2)(k)]  | √ | 5(a)  |  |
| <b>RECEIPT OF APPLICATION FORM, ATTACHMENTS AND FEES</b>  |   |   |  |
| Reference Number:   |   | Fees paid: R  |  |
| Receipt Number:   |   | Date received:  |  |
| Official stamp  |   |   |  |

## SCHEDULE 2

| <b>ENGINEER'S APPOINTMENT AND CERTIFICATE</b>   |                            |  |
|---|----------------------------|--|
| <b>PART 1: DETAILS OF ENGINEER</b>  |                            |  |
| Full Names:   |                            | Identity Number:   |
| Registration Number:  |                            | Experience:  |
| Academic, professional or other qualifications:   |                            |  |
| Physical address:   |                            | Postal address:  |
| Tel:  | Fax:                       | Cell e-mail:   |
| Date appointed:   |                            |  |
| <b>PART 2: DETAILS OF PROPERTY</b>  |                            |  |
| Township Name:  | Agricultural Holding Name: | Farm Name:   |
| Erf Number:   | AH Number:                 | Farm Number:   |
| Portion Number:   | Portion Number:            | Portion Number:  |
| Title Deed Number:  | Deeds Registry:            | Registration Division:                                     |
| Signature of owner/s of advertisement, advertising sign or advertising structure who by signing here confirm the appointment of the engineer whose details appear above, in respect of the work to be carried out as stipulated herein and hereby undertaking to inform the Council should the aforesaid appointment be terminated and immediately make a new appointment in such case and further hereby undertake to provide the Council with a certificate of completion signed by the engineer upon completion of the advertisement, advertising sign or advertising structure: |                            | Date signed (not earlier than 7 days prior to submission): |

| <b>PART 3: DETAILS OF PROPOSED ADVERTISEMENT</b> |   |  |
|--|---|--|
| Description of advertisement:                    | Clear Height  | Type of advertising sign [Section 11]        |
| Content of advertisement:                        | Total Height  | Council reference number previous allocated: |
| Details of proposed work:                        | Area of advertisement, advertising sign or advertising structure in square metres | Previous approval date:                      |
| Details of proposed amendment:                   |   |  |

| TICK/COMPLETE RELEVANT BOX:   |  |                        |  |             |  |              |  |
|---|--|------------------------|--|-------------|--|--------------|--|
| Single sided  |  | Illumination           |  | On-premises |  | No of years  |  |
| Double sided  |  | Externally illuminated |  | Third party |  | No of months |  |
| Three sided   |  | Internally illuminated |  |             |  |              |  |
| <b>PART 4: UNDERTAKING AND CERTIFICATE BY ENGINEER FOR NEW APPLICATIONS OR APPLICATIONS FOR AMENDMENTS</b>  |  |                        |  |             |  |              |  |
| <p>I confirm that I:</p> <ol style="list-style-type: none"> <li>1. have been appointed to undertake the design of the advertisement, advertising sign or advertising structure as stipulated in the application form and herein;</li> <li>2. have accepted the said appointment;</li> <li>3. hereby take full responsibility for all structural work and structural safety of the said advertisement, advertising sign or advertising structure;</li> <li>4. will ensure that the structure will be adequate to: <ol style="list-style-type: none"> <li>(a) secure, fix or support any advertisement, advertising sign or advertising structure;</li> <li>(b) resist all loads and forces to which the advertisement, advertising sign or advertising structure may be exposed;</li> </ol> </li> <li>5. will ensure the sufficiency of the margin of safety against failure in compliance with the National Building Regulations and Building Standards Act, 1977 (Act 104 of 1977), Regulations promulgated there under and the requirements of the SABS 0400;</li> <li>6. will supply the Council with all additional drawings, calculations and other information in respect of the said advertisement, advertising sign or advertising structure in compliance of this By Law, as and when required by the Council to do so</li> <li>7. will give details to the Council's satisfaction to enable the Council to establish the adequacy of the proposed means of securing, fixing or supporting the said advertisement, advertising sign or advertising structure, to resist all loads and forces to which the advertisement, advertising sign or advertising structure may be exposed and the sufficiency of the margin of safety against failure in compliance with the National Building Regulations and Building Standards Act, 1977 (Act 104 of 1977), Regulations promulgated there under and the requirements of the SABS 0400;</li> <li>8. undertake to inform the Council if it appears that any structural work is being carried out in a manner, which may endanger the strength or stability of the advertisement, advertising sign or advertising structure or the building to which it is attached, or to adjoining buildings;</li> <li>9. undertake to inform the Council in writing should my above appointment be terminated prior to completion of the advertisement, advertising sign or advertising structure.</li> </ol> |  |                        |  |             |  |              |  |
| Full Names:   |  |                        |  | Signature:  |  |              |  |
| Date:   |  |                        |  |             |  |              |  |

**PART 5: UNDERTAKING AND CERTIFICATE BY ENGINEER FOR AN EXTENSION OF DISPLAY PERIOD**

I confirm that I:

1. have been appointed to:
  - (a) take full responsibility for all structural work and structural safety of the advertisement, advertising sign or advertising structure; and
  - (b) certify that the advertising structure is still in good order and condition and safe; and
  - (c) certify that such structure will remain in good order and condition and safe for the period of the extension applied for;
2. have accepted the said appointment;
3. hereby take full responsibility for all structural work and structural safety of the said advertisement, advertising sign or advertising structure;
4. hereby certify that the advertising structure is still in good order and condition and safe;
5. hereby certify that such structure will remain in good order and condition and safe for the period of the extension applied for;
6. will ensure that the structure is and will remain adequate to:
  - (c) secure, fix or support any advertisement, advertising sign or advertising structure;
  - (d) resist all loads and forces to which the advertisement, advertising sign or advertising structure may be exposed;
7. will ensure the sufficiency of the margin of safety against failure in compliance with the National Building Regulations and Building Standards Act, 1977 (Act 104 of 1977), Regulations promulgated there under and the requirements of the SABS 0400;
8. will supply the Council with all additional drawings, calculations and other information in respect of the said advertisement, advertising sign or advertising structure in compliance of this By Law, as and when required by the Council to do so;
9. will give details to the Council's satisfaction to enable the Council to establish the adequacy of the means or proposed means of securing, fixing or supporting the said advertisement, advertising sign or advertising structure, to resist all loads and forces to which the advertisement, advertising sign or advertising structure may be exposed and the sufficiency of the margin of safety against failure in compliance with the National Building Regulations and Building Standards Act, 1977 (Act 104 of 1977), Regulations promulgated there under and the requirements of the SABS 0400;
10. undertake to inform the Council if it appears that any structural work is being carried out in a manner, which may endanger the strength or stability of the advertisement, advertising sign or advertising structure or the building to which it is attached, or to adjoining buildings;

Full Names:

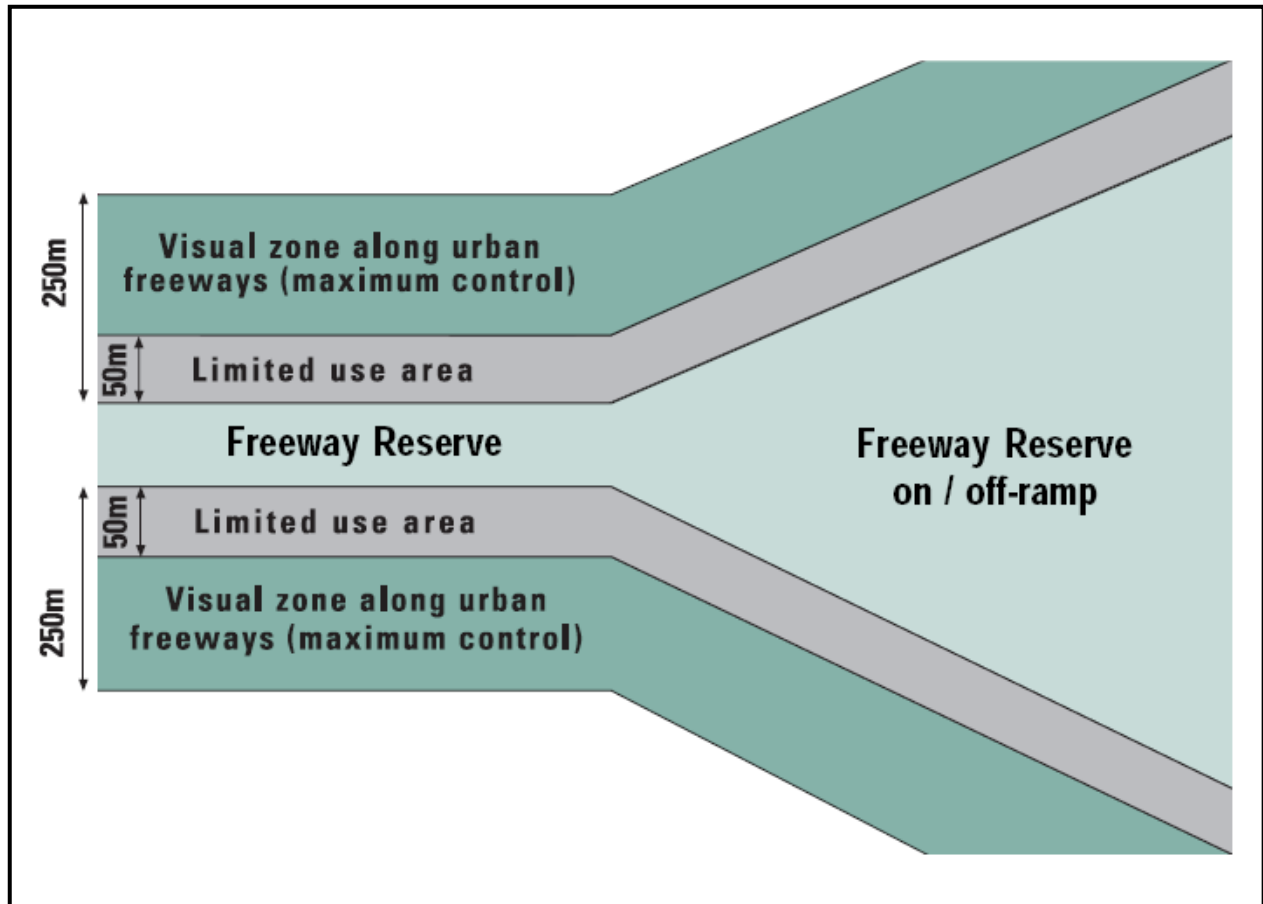
Signature:

Date:



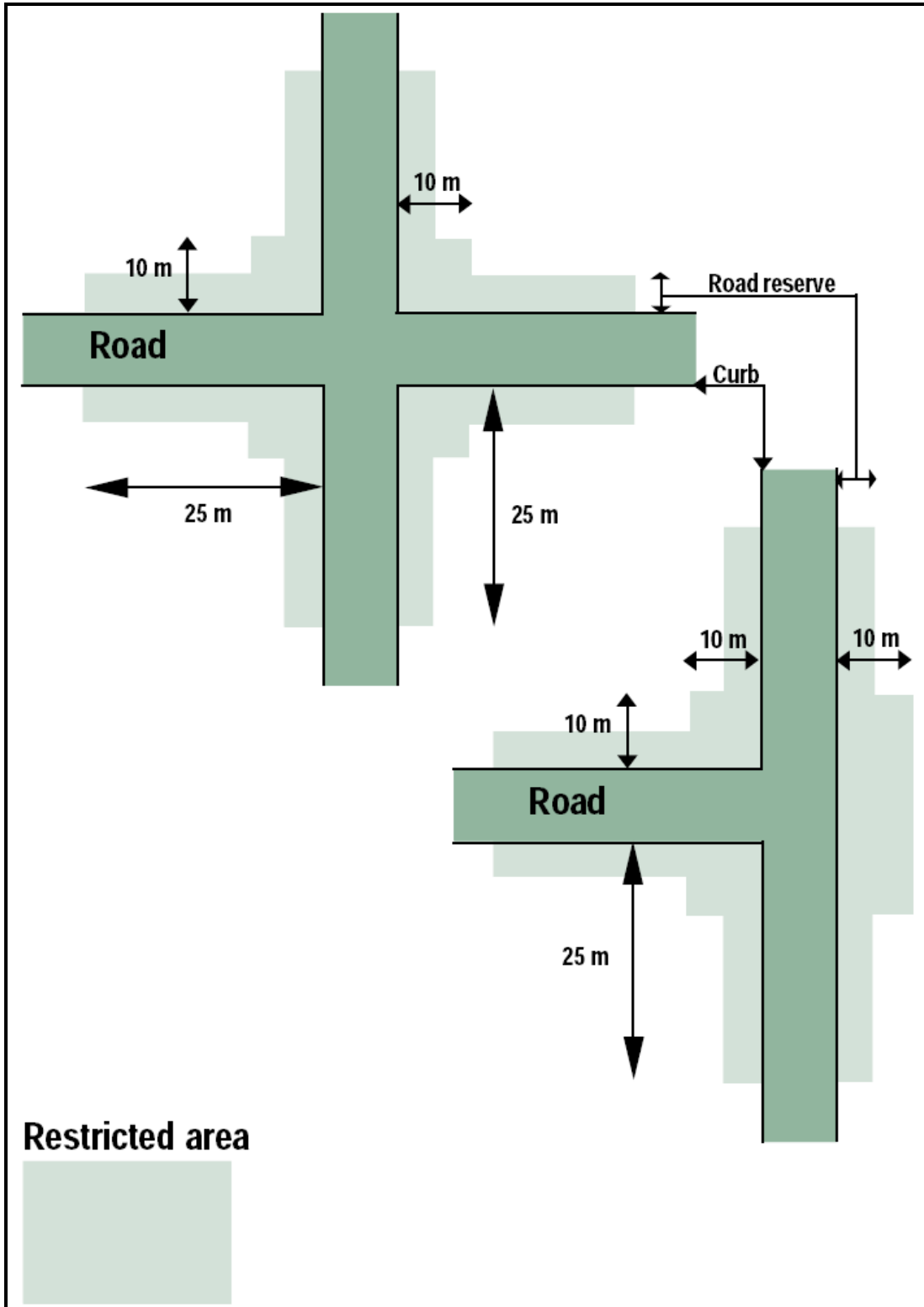
SCHEDULE 3:

Figure 1:



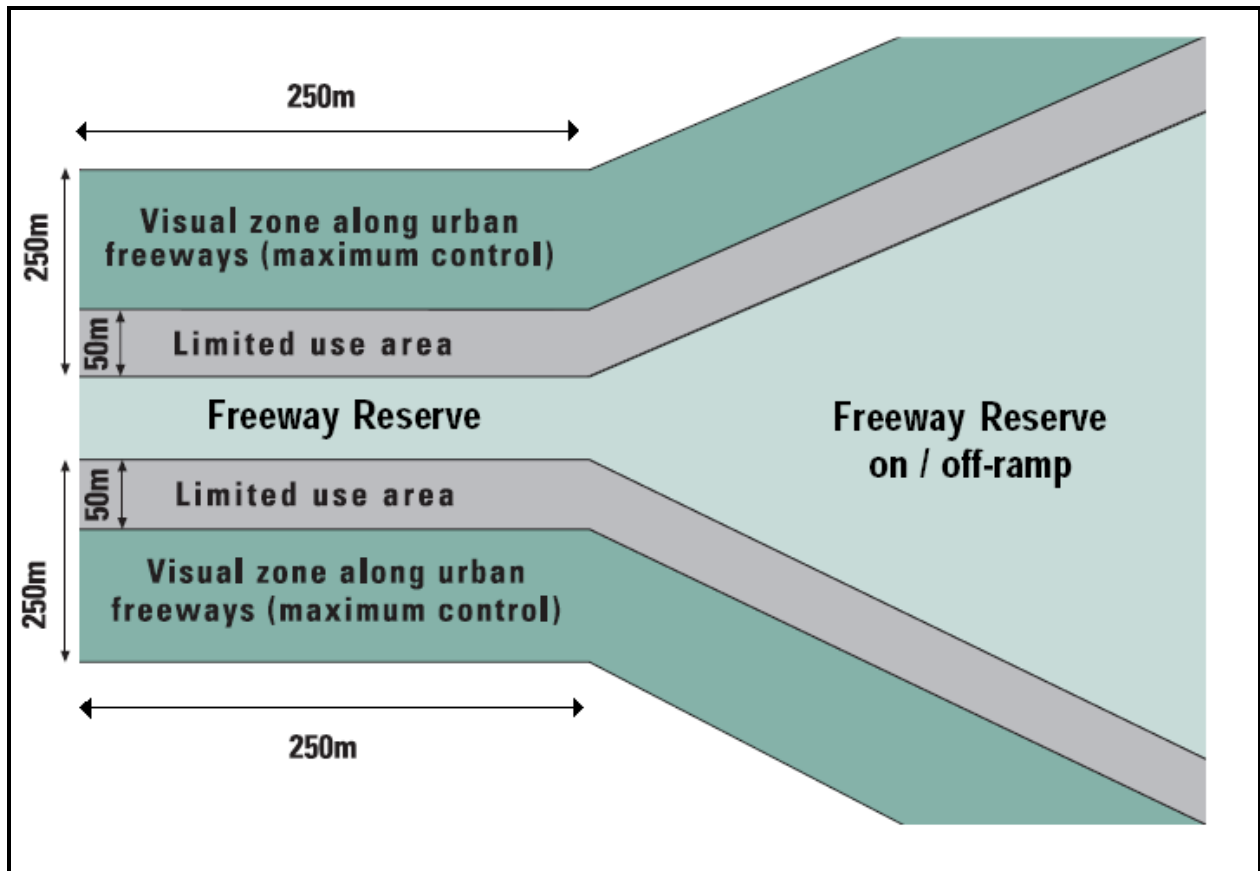
SCHEDULE 3:

Figure 2:



SCHEDULE 3:

Figure 3:



**SCHEDULE 4:**

**NOTICE OF APPLICATION FOR THE ERECTION OR AMENDMENT OF AN ADVERTISEMENT, ADVERTISING SIGN OR ADVERTISING STRUCTURE IN TERMS OF SECTION 3(3) OF THE MIDVAAL OUTDOOR ADVERTISING BY LAW**

|   |   |
|---|---|
| Council reference number:   |   |
| Name of applicant:  |   |
| Address of applicant:<br>Physical:  | Postal:   |
| Tel.:   | Fax:  |
| Cellphone:  | e-mail:   |
| Formal description (as it appears in the title deed) of the property upon which the proposed advertisement, advertising sign or advertising structure is intended to be erected and displayed:  | Physical (street) address of the property upon which the proposed advertisement, advertising sign or advertising structure is intended to be erected and displayed: |
| Dimensions of advertising sign:   |   |
| <p>Particulars of the application will lie for inspection from 8:00 till 13:00 and 13:30 till 15:30 with the Council at the office of ..... (address, room number and fax number) for a period of 21 days from ..... (the date of the first publication of the notice contemplated in Section 61(1) of the Midvaal Outdoor Advertising By-Law).</p> <p>Objections in respect of the application must be lodged in writing to the Council and the applicant at the above respective addresses or at the postal address as indicated by the applicant and the following postal address of the Council ..... within a period of 14 (fourteen) calendar days from ..... Such objection MUST INCLUDE THE POSTAL ADDRESS OF THE PERSON MAKING THE OBJECTION.</p> <p>I ..... being the applicant in this matter hereby certify that the application shall be submitted to the Council and open for inspection from the prescribed period</p> |   |
| Signature:  | Date:   |

*\*Note: The size of advertisement shall be A1 (600mm x 900mm) for each language as prescribed.*