DRAFT REVISED DOCUMENT

KOUGA MUNICIPALITY
OUTDOOR ADVERTISING AND SIGNAGE BY-LAW

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), the Kouga Municipality, enacts as follows:-

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1. Definitions

In this By-Law, unless the context otherwise indicates –

"**adopt a spot sponsorship advertising sign**" means an advertisement placed in terms of the "adopt a spot" policy as approved by Council.

"ad-hoc application" means signage which was not categorized and for which provision was not made in the By-laws, and which is not prohibited.

''**advertising structure''** means any physical structure built or capable of being used to display a sign;

''**advertisement''** means any representation of a word, name, letter, figure or object or an abbreviation of a word or name, or any symbol, or any light which is not intended solely for illumination or as a warning against any dangers and ''**advertising''** has a similar meaning;

"advertisement on street furniture" means a poster which does not exceed 2,2 m² in area, which is attached to street furniture and which are not specified in this by-laws and has been approved by the Municipality;

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

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

"advertising impact assessment" (AIA) means a report requested by the Municipality from the applicant wherein the impact of the advertising sign or advertisement is discussed. Such an assessment should address aspects such as, but will not be limited to, the environmental impact, visual impact, illumination of the advertising sign or advertisement and road safety impact of an advertising sign or advertisement, the scope of which shall be determined by the Municipality in each particular case.

"affix" means to firmly secure, which shall include painting where permitted, or any means of affixing.

"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.

"applicant" means both a natural and juristic person who owns the advertising structure, the person who owns the advertising sign which is erected, or will own the advertising sign once it has been erected and can include the person who owns the land on which the advertising sign or structure is, or will be erected, or any person who has a right to or share in the ownership of the land who submits an application for permission to display, exhibit or erect an advertising structure, sign or advertisement or person who submits an application on behalf of the person who owns the advertising structure, the person who owns the advertising sign or the owner of the land.

''**aerial sign''** means a sign that is displayed or performed in the air, including but not limited to balloons and blimps that can be viewed from within the Kouga Municipality's area of jurisdiction;

''**approval''** means approval by the Municipality or by officials, sub-council's committees or executive councillors by virtue of powers delegated to them, and

''**approve''** has a corresponding meaning;

''**areas of control''** means those areas set out in Schedule 1 of the By-Law; and which may be modified or amended from time to time, which amendments and modifications will be graphically depicted by way of maps as prepared by the Municipality from time to time;

"area of jurisdiction" means the area under the control of the Kouga Municipality according to the legally determined and declared boundaries of the Municipality.

"area of maximum control" means an area which is deemed sensitive to visual disturbance and includes, but is not limited to conservation areas and natural features inside the urban edge, passive recreation areas such as parks and non-commercial squares, scenic features and areas, historical and architectural sites, all residential areas, plots and urban small-holdings (which are proclaimed), home undertakings within residential areas, specifically proclaimed heritage areas and buildings, and cemeteries.

"area of minimum control" includes, but is not limited to commercial areas, office blocks, shopping centres, industrial areas, transport nodes (such as taxi and bus ranks, railway stations, airports etcetera) and mine dumps and surrounding mining land.

"area of partial control" means areas that are characterized by a greater degree of integration and complexity of land use, including but not limited to commercial enclaves, shopping centres and office block in residential areas, commercial ribbon development, school and educational facilities (for example Universities and Colleges), and sport stadiums and fields.

"aviation authority" means the aviation authority in terms of Civil Aviation Act, Act 13 of 2009 and Civil Aviation regulation of 2011.

"balcony, veranda, canopy and under-awning sign" means a sign not extending above, below or beyond any extremity or a parapet wall, balustrade, railing, beam or fascia, and:

(1) Affixed flat onto or painted on a parapet wall, balustrade or railing;

(2) Affixed flat onto or painted on a fascia;

(3) Affixed flat onto or painted on the fascia of a roof structure without walls;

(4) Affixed to or painted on a pillar, column or post supporting a roof structure without walls; or

(5) Painted or printed on the fabric of a blind.

‘‘**banner’’** means any material upon which a sign is displayed in such a manner as to be fully legible in windless conditions, attached to one or more ropes, poles or flagstaffs projecting vertically, horizontally or at an angle, or attached to buildings or special structures, but excludes banners carried as part of a procession, but includes a flag which is not displayed on an approved flag pole which for the purposes of this By-Law is deemed to be a banner;

‘‘**billboard’’** means any screen or board which stands free and is larger than 4,5 m² in total area; which is supported by, or consists of, a structure used, or intended to be used, for the purpose of posting, displaying or exhibiting a sign;

“building control officer” means any person who has been appointed by Municipality in terms of the National Building Regulations and Building Standards Act, Act 103 of 1977, and his delegated officials.

“building wrap” means a temporary advertisement or advertising sign of vinyl mesh or similar material attached to the outside walls of a building, in such a way that it will cover more than seventy per cent of the total outside wall area of the building and that it will therefore create the perception that the building is wrapped in one advertisement.

‘‘**clear height’’**, in relation to a sign, means the vertical distance between the lowest edge of the sign and the natural level of the surrounding ground, footway or roadway immediately below the sign;

“combination sign” means an advertising sign 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 advertising sign.

‘‘**commercial advertising’’** means any words, letters, logos, figures, symbols, pictures relating to the name of a business, trade, partnership, individual, or any information, recommendation or exhortation in respect of any particular goods manufactured or sold, or any particular services rendered or offered, or any event for commerce or entertainment, including sporting events;

‘‘**commercially sponsored sign’’** means a sign which advertises goods or services, but the erection of which has a secondary purpose, which is to promote or contribute to some recognised public or community goal or function;

‘‘**common boundary façade’’** means any façade of a building which is built abutting a rear or side boundary of an erf and which façade is blank, that is, having no architectural features, which includes windows;

‘‘**composite sign’’** means a single freestanding advertising structure for the display of more than one advertising sign;

‘‘**consultant’’** means a suitably qualified independent person or company that acts on behalf of, or as an agent of, an applicant for approval of a sign in terms of this By-Law;

‘‘**continuing offence’’** means an offence in terms of this By-Law, which offence continues to exist after the expiry of the notice period referred to in a notice served in terms of this By-Law;

"construction site boundary signs or construction site building wrap" means an advertising sign of vinyl mesh or similar material attached to the boundary wall or fence or to a structure, to cover an unsightly construction site, an unoccupied building under construction, renovation or maintenance, or a multi-storey parking garage.

"Council" means the Kouga Municipality and includes the Mayoral Committee or any officer employed by Municipality, acting by virtue of any power vested in the Municipality in connection with these By-laws and delegated to him / her.

"cultural event" means an event promoting the fine arts or other human intellectual achievement and its purpose shall not primarily be of a commercial nature.

''**custom made design''** means the design of any sign, which features special effects such as specialist character cut outs or shapes or three dimensional presentations or moving parts or a combination thereof, and which is uniquely designed or constructed for erection in a particular location;

''d**esignated r**oad'' means a class 1 (freeways and expressways), class 2 (primary arterials), class 3 (secondary arterials) road as depicted graphically from time to time by the Municipality from time to time in terms of the Urban Transport Act, 1977 (Act 78 of 1977);

''**development board''** means a sign displayed at premises upon which building operations are currently in progress and relating to any services being provided, work being done or goods being supplied in connection with such building operations, but excludes contract boards for building and civil engineering projects as required in terms of the National Building Regulations and Control Act, 1977 (Act 103 of 1977), as amended from time to time and defined in terms of the General Conditions of Contract and/or Specifications of the appropriate institutions;

"development sign" means an advertising sign displaying and advertisement which describes the type of development being carried out on a construction site, including a pictorial representation, and containing the contact details of the developer or his agent.

''**display''** means the display of a sign and includes the erection of any billboard, sign or structure intended solely or primarily for the support of a sign or billboard, and includes the display of a sign of a business, trade partnership or individual connected with the contents of the sign or sign, and ''**displayed''** has a corresponding meaning;

"display period" means the exposure time during which the individual advertising message is on display.

"election" means either National, Provincial or Local Government elections and by-elections inclusive of the registration process and referendum held from time to time.

"electronic billboard" means an advertising sign not exceeding 36m^2 in advertisement area, which has an electronically controlled, illuminated display surface, which allows all or a portion of the advertisement to be changed, animated or illuminated in different ways.

''**Environmental Impact Assessment''** (EIA) means an assessment carried out in accordance with the Municipality's guidelines for outdoor advertising;

''**estate agency''** means a person who markets or sells properties with or without buildings erected thereon and ''**estate agent''** has a corresponding meaning;

''**existing sign''** means any sign previously approved by the Municipality;

‘‘**flat sign’’** means a sign which is affixed to, or painted directly onto a wall of a building but not onto or over windows or doors or architectural articulations and which at no point projects more than 250 mm in front of the surface of such wall;

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

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

‘‘**freestanding sign’’** means any sign or group of signs contained or displayed on one freestanding structure which is not attached to a building or to any structure or object not intended to be used for the primary purpose of advertising;

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

‘‘**gateway route’’** means a prominent route with an entrance to or exit from a specific part of the Municipality’s jurisdiction, consisting of man-made or natural features and creating a strong sense of arrival or departure and which is consistent with city planning or development framework plans or policy, and which may be geographically depicted by way of maps or listed by the Municipality from time to time;

‘‘**graphic’’** includes but is not limited to any component which contributes to the visual appearance or aesthetics of a sign; including its background;

“head of department / HOD” means an official appointed by the Municipality in terms of s56 of the Municipal Systems Act and directly reporting to the Municipal Manager, or anybody acting in his stead, or a nominee of the official appointed in this specific position.

‘‘**headline poster**’’ means a temporary poster advertising the contents of a daily or weekly newspaper;

‘‘**height of a sign’’** is calculated by measuring the vertical distance between the uppermost and lowest parts of the structure;

‘‘**Heritage Impact Assessment’’** (HIA) means a visual assessment of the impact that any proposed sign may have on the cultural heritage, whether built or recognized, at the locality where the proposed sign will be displayed;

‘‘**internally illuminated sign’’** means an advertisement or structure used to display an advertisement which has been installed with electrical or other power and an artificial light source which is fully or partially enclosed within the structure or sign and which light is intended to illuminate the advertisement or a portion thereof;

“illegal sign” means any advertising sign, advertisement, or poster, painted, pasted, affixed, displayed, exhibited, posted or erected without approval by the Municipality or whose display, exhibition or erection is contrary to or in conflict with the provisions of these By-laws.

“intersection” means the area embraced within the prolongation of the lateral boundary lines of two or more roadways, open to vehicular traffic that join one another at any angle, whether or not such roadways cross each other, and includes a signalized entrance and exit.

‘‘**law’’** means any law, proclamation, ordinance, Act of Parliament or Provincial Legislature, or any other enactment having the force of law;

"large billboard" means any static billboard larger than 18m² up to and including 40m² in area of advertisement.

''**locality bound advertising''** means any sign displayed on a specific erf, premises or building and, subject to the payment of a prescribed encroachment fee, it may include such a sign on municipal owned land, adjacent to, abutting on or within 5 metres of the aforementioned erf; premises or building, which sign refers to an activity, product, service or attraction, located, rendered or provided on or from that erf or those premises;
''**loose portable sign''** means a freestanding locality bound notice or advertising board placed or erected in the Road Reserve or in a public open space;
"media owner" means a person, enterprise or organisation whom core business it is to generate an income from the sub-letting of the advertising space on an advertising structure.

"municipality" means the Kouga Municipality being a Municipality duly established and constituted in terms of Section 12(1) of the Local Government: Municipal Structures Act, Act 117 of 1998, as amended, and its successors in law and/or title.

"Municipal land" means any portion of land including but not limited to, road, road reserve, road island, road median, street, thoroughfare, bridge, subway, footpath, sanitary lane, sidewalk, land, square, open space, garden, park or enclosed place, erf, site or infrastructure etc. vested in and/or owned by or registered in the name of Kouga Municipality.

''**movable sign''** means a sign not permanently fixed and not intended to remain fixed in one position, but does not include any moving part on a fixed permanent sign;
''**new sign''** means any sign first displayed after the promulgation of this By-Law;
''**non-profit body**'' means a body established primarily to promote a community goal or benefit without direct or personal financial gain, and upon which the Municipality may call for documentary proof, which may include the production of bank statements, of the non profit status or community benefit objective of the body;
''**organ of state''** means:
(a) any department of state or administration in the national, provincial or local sphere of government;
(b) any other functionary or institution –
(i) exercising a power or performing a function in terms of the Constitution or a provincial constitution; or
(ii) exercising a public power or performing a public function in terms of any other Legislation;
''**overall height''**, in relation to a sign, means the vertical distance between the uppermost edge of the sign and the finished level of the ground, footway or roadway immediately below the centre point of the sign;

"outdoor advertising" means the act or process of notifying, warning, informing, making known or any other act of transferring information in a visible manner and which takes place out of doors.

"owner of the 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.

"owner of the land" means the person who owns the land on which the advertising sign or structure is, or will be erected, or any person who has a right to or share in the ownership of the land.

‘‘**perimeter of an intersection**’’ means the perimeter of the area embraced within the prolongation of the road reserve lines of two or more public roads that join one another at any angle, whether or not one such public road crosses the other;
‘‘**person’’** includes:
(a) any organ of state;
(b) any company incorporated or registered as such under any law; and
(c) any body of persons, whether incorporated or not, functioning as a single entity for whatever purpose;
“portable advertising sign” means a moveable free-standing temporary advertising sign displayed on a forecourt of a business premises or sidewalk in front of business premises to draw attention to commercial services, goods for sale or other services available at the premises.

“portable flag” means a moveable free-standing flag displayed in front of business premises to draw attention to commercial services, goods for sale or other services available at the premises.
‘‘**poster’’** means temporary signs capable of being attached to the Municipal electrical light standards or pasted to fixed structures to advertise events or campaigns, including elections or referenda of limited duration and excluding signs advertising markets, exhibitions or events which are held on a regular basis of more than two days per month;
‘‘**projected sign’’** means any sign projected by a laser projector, video projector, or other apparatus;

‘‘**projecting sign’’** means a sign which is affixed to a wall of a building and which at some point projects more than 250 mm in front of the surface of such wall;
‘‘**public façade’’** means any façade that has windows or other architectural articulation;
‘‘**public place’’** means any public road, public street, thoroughfare, bridge, subway, footway, foot pavement, footpath, sidewalk, (or similar pedestrian portion of a road reserve), lane, square, open space, garden, park or enclosed place vested in the Municipality, or other state authority or indicated as such on the Surveyor General’s records, or utilized by the public or zoned as such in terms of the applicable zoning scheme;
‘‘**public road’’** means public road as defined in the National Road Traffic Act, 1996 (Act 93 of 1996);
any other act of transferring information in a visible manner and which takes place out of doors.

“overhang” means the physical part of an advertising sign / structure hanging or projecting over a boundary, shoulder or roadway.

“perpendicular” means with a 90-degree angle to the existing building or road at the position of the advertisement or advertising sign.

”permanent sign” means a sign that may be displayed for a maximum of five years or any other period approved by the Municipality;

“person” means both natural and juristic persons, and includes both genders and a reference to any one gender shall include a reference to the other gender.

public transport shelter” means a free-standing covered structure at a bus stop, taxi rank or lay-bye, to provide limited shelter for commuters and pedestrians.

“public transport shelter advertisement” means an advertisement positioned as an integral part of a free-standing covered structure at a bus stop, taxi rank or lay-bye.

“reservoir” means a receptacle or chamber used typically for storing and regulating water.

"road authority" means the authority having the control and jurisdiction over a specific road, whether it be a national, provincial, metropolitan or local road.

road" means a public road which includes the shoulder, the land of which the road consists or over which the road extends, and anything on that land forming part of, connected with, or belonging to the road.

''**road reserve''** means the area contained within the statutory width of a road, and includes roadways, shoulders and sidewalks and the airspace above such roadways, shoulders and sidewalks and all other areas within the road reserve boundary;
''**roadway''** means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic as defined in the National Road Traffic Act, 1996;
''**roof sign''** means a sign affixed to a roof of a building where the top edge of any point of that sign does not exceed the height of the roof plane to which it is affixed;
''**scenic drive''** means a road designated as such on an approved zoning scheme or from which landscapes or features of aesthetic or cultural significance can be seen or viewed as designated by the Municipality from time to time;
''**security sign''** means an outdoor sign for neighbourhood watch and similar schemes, and a sign containing the name, logo, address and telephone number of a security company contracted to protect, or security system installed to protect, the premises on which the sign is displayed;
''**service station facility sign''** means freestanding signs at petrol filling stations, roadside rest and service areas and includes service station pylon signs;
''**shop''** means a building used for retail trade or services;
''**sign''** means any object, product, replica, advertising structure, mural, device or board which is used to publicly display a sign or which is in itself a sign; and includes a poster and a billboard;
''**signalized traffic intersection''** means an intersection controlled by traffic signals;
''**sky sign''** means a sign where the top edge of any point of that sign exceeds the height of the roof plane to which it is affixed;
"South African Manual for Outdoor Advertising Control" means the manual for the control of outdoor advertising as issued by the Departments of Transport and Environmental Affairs and Tourism, dated April 1998;
''**sponsored sign''** means a sign, the primary purpose of which is not to advertise goods or services but which displays a graphic or content which promotes community or public awareness of a recognised public or community goal;
''**street name signs''** means pole-mounted, double-sided, internally illuminated or unilluminated signs displayed in combination with names of streets, not exceeding 1 m^2;
''**street furniture''** means public facilities and structures which are not intended primarily for advertising and includes but is not limited to seating benches, planters, bins, pole mounted bins, bus shelters, sidewalk clocks, drinking fountains, Telkom boxes, traffic signal controllers, electricity boxes, post boxes and telephone booths, but excludes road traffic signs, traffic signals, street lights or any other road-related structures;
free-standing covered structure at a bus stop, taxi rank or lay-bye.

"street pole advertisement" means any advertisement displayed on a street lighting post

"street pole advertising receptacle" means a fixed advertising sign display holder to be fixed to street light poles.

‘‘**temporary signs’’** means signs which are displayed for a maximum period of 14 days, or such other period as may be approved by the Municipality;
‘‘**thickness’’,** in relation to a projecting sign, means the width of such sign measured parallel to the plane of the main wall to which such sign is affixed;
‘‘**third-party advertising’’** means the advertising of goods or services that are not made, procured, sold or delivered from the property on which the sign or sign advertising of those goods or services is fixed or placed, and includes advertising which is not locality bound as well as the display of a sign which is made, procured or sold from the property but advertises goods or services which are not made, procured, sold or delivered from that property;
‘‘three dimensional sign’’ means a sign containing more than 2 dimensions, including product replicas;
‘‘**Traffic Impact Assessment’’** (TIA) means a study carried out by a registered professional engineer with demonstrable experience in the field of traffic engineering that investigates the impact a proposed sign may have on vehicle, pedestrian, or cyclist safety and traffic operation, which study should recommend any mitigating measures that may be required as a result of that impact;
‘‘**traffic sign’’** means a road traffic sign as prescribed in the National Road Traffic Act, 1996;
‘‘**traffic signal’’** means a road traffic signal as prescribed in the National Road Traffic Act, 1996;
‘‘**transit advertising’’** means advertising by means of a movable sign which is capable of being transported by road either on or in conjunction with a motorized vehicle, including trailers primarily used for advertising;
‘‘**transportation terminals’’** means any area designated by the Municipality as such, where the formal interchange of modes of public transport takes place by the public, including, but not limited to designated railway stations, official taxi terminals and bus terminals;
‘‘**urban edge line’’** means a predetermined point to point boundary line as determined by the Municipality from time to time, which has as its purpose, the containment of urban development;
‘‘**verandah’’** includes a cantilevered canopy and sunblind;
‘‘**window signs’’** means signs which are temporarily or permanently painted on, or attached to the window-glass of a building;
‘‘**zone’’** means a land use zone as set out in the relevant zoning schemes or Town Planning Regulations as amended from time to time and applicable to any erf on which a sign is displayed or intended to be displayed and ‘‘**zoning’’** has a corresponding meaning.

2. Principles and objectives

(1) The object of this By-Law is to regulate outdoor advertising in the jurisdiction of the Kouga Municipality in a manner that is sensitive to the environmental quality of different parts of Kouga Municipality. It seeks to strike a balance between outdoor advertising opportunities and economic development on the one hand, and the conservation of visual, tourist, traffic safety, environmental and heritage characteristics

on the other hand. The object of this By-Law is to ensure that outdoor advertising respects the integrity of any site on which it is displayed, and complements the character of the locality in which it is displayed.

(2) The sensitivity of the proposed locality of a sign and its capacity to withstand the visual impact are the most important guiding principles for the control of outdoor advertising. Outdoor advertising signs should only be placed where they are most compatible with the surrounding locality and where they do not impact on visual corridors and/or scenic drives. Signs that compromise protected, unique or sensitive areas will not be allowed. In addition, outdoor advertising and signs should not compromise the functioning and safety of traffic and should not adversely affect the character of a locality by way of appearance, size or illumination.

(3) Advertising on bridges, towers, telecommunication masts or pylons will not be permitted.

(4) The types of landscapes, signs and areas of control are important factors in the classification concept utilized in this By-Law. This By-Law presumes that the type of sign gives an indication of the potential impact of such a sign on the locality in which it will be displayed. Thus in terms of this By-Law the local character of an area in which a sign is proposed will affect the degree of control applied in that area.

(5) This By-Law recognises that the dynamics between the type of the sign, the sign itself and where it is to be located can most effectively be dealt with by the determination of areas of control. Three areas of control are applied in this By-Law namely maximum, partial and minimum areas of control. The potential for outdoor advertising and the sign types to be considered is therefore determined by permitting certain sign types in certain areas of control. Control measures are applied by means of approval or refusal, and by means of general and specific conditions and requirements.

(6) The following signs are outdoor signs but which, without third party advertising, do not constitute outdoor advertising within the ambit of this By-Law:

- (a) Authorised tourist destination signs as defined by the South African Road Traffic Manual and as described under Class 4(c) of the South African Manual for Outdoor Advertising Control;
- (b) community information/educational boards;
- (c) any sign required to be displayed by law including road traffic signs erected in terms of any Act of Parliament, Provincial Law or By-Law.

(7) This By-Law sets out the procedures to be followed and the criteria used when obtaining approval for a sign applicable to outdoor advertising in the Kouga Municipality. In doing so, it recognises that there is an extensive amount of technical detail applicable to specific sign types and their effect in specific localities. The specific requirements for specific signs are set out in the Schedules hereto. The Schedules are part of the By-Law. These Schedules are not any less important than the content of the By-Law itself.

(8) This By-Law thus aims to provide a set of regulations governing the use of land and buildings for outdoor advertising and signage and for matters incidental thereto.

CHAPTER 1
SUBMISSION OF APPLICATIONS, CHARGES AND GENERAL FACTORS IN CONSIDERING APPROVAL, AMENDMENTS AND CONDITIONS TO APPROVAL, FACTORS RELATING TO SPECIFIC SIGNS, AREAS OF CONTROL AND COMMERCIAL SPONSORED SIGNS

3. Submission of applications

(1).. Other than those signs referred to in section 13(3) to 13(10), no person will display any advertisement or erect or use any sign or advertising structure for advertising purposes without the Municipality's approval in terms of this By-Law and any other applicable legislation.

(2) Every person intending to display a new sign or to alter or to add to an existing approved sign; or submitting a signage plan in terms of a Site Development Plan proposal, will apply in writing to the Municipality which application will be accompanied by the following information in duplicate:

(a) A site plan showing the site on which it is proposed that the sign is to be erected or displayed, drawn to a scale of not less than 1:200 showing clearly and accurately the position of the sign and the building, if any, to which it is to be attached and showing every building and the existing signs on the site, existing and proposed landscaping, traffic signals and road traffic signs, and the positions, with dimensions, of the sign or sign in relation to the boundaries of the site and the location of the streets abutting the site, together with its existing approved zoning conditions;

(b) a drawing, which complies with the requirements of the National Building and Regulations Standards Act, 1977 (Act 103 of 1977), and is in sufficient detail to enable the Municipality to consider the appearance of the sign and all relevant construction detail, including a description of the materials of which the sign is to be constructed, the colours to be used, and whether or not the sign is to be illuminated; and in the latter event, the plan will indicate whether or not the sign is an electronic sign and, if so, full details will be furnished;

(c) the drawing referred to in subsection (b) will have detailed drawings of such sign to a scale of not less than 1:20 and a site plan indicating the position of the sign on the site to a scale of not less than 1:50;

(d) if the proposed graphics of the sign are to be altered or changed at any stage during its proposed period of display, such intention must be specified in the application, together with an undertaking that every proposed change of graphic will be delivered to the Municipality for its prior approval, two weeks prior to the proposed display thereof, failing which only the proposed graphics will be considered for approval;

(e) if a sign is to be attached to or displayed on the wall or façade of a building, the Municipality may require the submission of an additional drawing showing an elevation of the building in colour, the details and position of the proposed sign and the details and the position of every existing sign on the building drawn to a scale of not less than 1:100, or the Municipality may require a coloured print of or an artist's photographic or

computer generated impression of the building with the details of the proposed sign superimposed on such graphic and drawn as nearly as is practicable to the same scale as that of the graphic;

(f) if the applicant is not the registered owner of the property on which the sign will be erected, the applicant will obtain the signature of the registered owner of the land or building on which the sign is erected, indicating that person's knowledge of and consent to the application; and

(g) upon the request of the Municipality; such additional drawings, calculations and other information as is necessary to enable the Municipality to establish the adequacy of the proposed means of securing, fixing or supporting any proposed sign, sign or billboard and its ability to resist all loads and forces to which the sign, advertising or billboard may be exposed and the sufficiency of the margin of safety against failure.

(3) The Municipality may require the submission of an Environmental Impact Assessment (either the 1st stage thereof; being the completion of an Environmental Checklist or in its entirety), Heritage Impact Assessment and/or a Traffic Impact Assessment.

(4) If in the Municipality's opinion, a community or portion thereof or a person will be affected by the proposed sign, it may require a public participation process prior to considering the approval, which public participation process will comply with the Municipality's policy on public participation.

(5) The Municipality will require a signage master plan in respect of any development where the erection of numerous signs is proposed or the rationalization of previously approved signs is required so as to allow it to consider a consistent design master plan prior to assessment of any individual sign.

(6) The Municipality will notify the applicant of any additional requirements it has, within 21 working days of the date of submission of the original application and payment of the application fee.

(7) The Municipality will be entitled to retain a copy of every document supplied to it as part of an application, but is not obliged to do so.

(8) The Municipality may require written notification, by the applicant or person who erects an approved sign that such sign has been erected.

4. Charges and general factors in considering approval, amendments, conditions to approval

(1) Every person who applies to the Municipality for approval in terms of this By-Law will, on making application, pay to the Municipality an application fee as determined by the Municipality from time to time. In addition, on approval of an application, an approval fee as determined by the Municipality from time to time will be paid. No sign will be erected until such time as both the application and approval fees have been paid in full.

(2) In considering an application for the display of an advertisement or the erection of a sign in terms of this By-Law, or an amendment or condition attaching or to be attached to an approval, the Municipality will have regard to the following factors:

(a) The area of control in which the proposed sign is to be erected or displayed are as set out in Schedule 1 annexed hereto. Provided further

that if a sign falls into more than one possible area of control or if a proposed sign site located in one area of control may impact on an adjacent area of control, the Municipality will be entitled to determine the area of control pertaining to that application;

(b) the type of locality or landscape and the advertising opportunities pertaining to that area of control;

(c) the number of signs already displayed or proposed to be displayed on the erf and in the area surrounding the erf concerned;

(d) the findings of any Traffic Impact Assessment, Environmental or Heritage Impact Assessment more specifically any such finding as to whether the proposed sign will be detrimental to the environment or adversely affect the amenity of the locality or neighbourhood or affected properties;

(e) locality bound signs must relate to the lawful use of a property provided that no such sign will be affixed to or placed on residential premises or portions thereof other than is permitted by or for home industries and legal temporary uses;

(f) the outcome of any process of public participation regarding the proposed sign;

(g) the provisions of sections 6 to 9(12) inclusive, of this By-Law; and

(h) that no sign or advertisement may be designed or displayed that –

(aa) will constitute a danger to any person or property;

(bb) will display any material or graphic which, whether in form, content or both, may reasonably be expected to cause offence to the public or an identifiable class of persons;

(cc) will be detrimental to the environment or amenity of the neighbourhood by reason of either its size, intensity, frequency, illumination, quality of design, material, proposed graphic, locality or for any other reason;

(dd) will obscure any other signs approved in terms of this By-Law or its predecessor; and

(ee) will be detrimental or otherwise negatively impact on the environment, whether artificial or natural.

(3) In considering a proposal for new graphics in respect of a sign approved in terms of this By-Law, the Municipality will have regard to the factors referred to in subsections 2(d) to (h).

(4) The Municipality will only consider an application for the extension of an approval period in terms of section 11(4) on condition that the said sign complies with the provisions of this By-Law as at the date of application for such an extension.

(5) The Municipality will have regard to the factors referred to in subsection (2)(d) to (h) in assessing an application for an extension of the approval period in terms of section 11. In the event of the approval period being extended by the Municipality, the extension period will not exceed a further 5- year period.

(6) Any application for an extension of an approval period in terms of section 11 must be accompanied by the fees referred to in subsection (1), being both an application and an approved fee.

5. Factors relating to specific signs, areas of control, and commercial sponsored signs

(1) The Municipality will, in addition to the factors set out hereinabove, apply certain minimum standards to certain specific sign types and proposed localities when an application for approval is made in respect thereof and will apply certain specific criteria to applications for the erection of signs by non-profit bodies. These specific standards and criteria are set out as Schedules to this By-Law. Schedule 1 to this By-Law indicates the areas of control in which certain specific sign types may be permitted, subject always to approval in terms of this By-Law and furthermore subject to any additional requirement pertaining to a specific sign type as set out in the following Schedules:

(a) Schedule 1: Areas of control;
(b) Schedule 2: Billboards;
(c) Schedule 3: Locality bound freestanding and composite signs;
(d) Schedule 4: Signs attached to walls of buildings (flat and projecting signs);
(e) Schedule 5: Sky signs;
(f) Schedule 6: Roof signs;
(g) Schedule 7: Signs on a verandah, balcony, canopy, supporting columns, pillars and posts;
(h) Schedule 8: Signs on boundary walls, fences and construction sites;
(i) Schedule 9: Newspaper headline posters;
(j) Schedule 10: Banners, flags and balloons;
(k) Schedule 11: Posters;
(l) Schedule 12: Estate agent signs;
(m) Schedule 13: Loose portable signs;
(n) Schedule 14: Aerial signs;
(o) Schedule 15: Transit advertising;
(p) Schedule 16: Signs on municipal land/buildings; and
(q) Schedule 17: Signs by/for non-profit bodies.
(r) Schedule 18: Street Pole Advertising
(s) Schedule 19: Advertising on Litter Bins
(t) Schedule 20: Signs Erected or For the Benefit of Non- profit bodies
(u) Schedule 21: Advetising on Taxi ranks
(v) Schedule 22: Tourism Signs
(w) Schedule 23: Exempted Signs
(x) Schedule 24: Prohibited Signs
(y) Schedule 25: Removal of signs or Advertising Hoardings

(2) The Municipality may grant an exemption from the terms of this By-Law as set out in Schedule 23 or in respect of the sign types or areas of control set out in Schedules 10, 11 and 12 hereto having regard to –

(a) the area of control where it is proposed to display the sign/s;
(b) nature of the event;
(c) duration of the erection/display of the sign;
(d) size of the proposed sign;
(e) any traffic and/or safety and/or environmental or heritage impact assessment; and

(f) the outcome of any public participation process.

CHAPTER 2
STANDARD CONDITIONS FOR APPROVAL, REQUIREMENTS, AND APPROVAL

6. Standard conditions for approval

(1) All signs will be properly constructed of the requisite strength and will be secure and will comply with the requirements pertaining thereto of the National Building Regulations and Standards Act, 1977 (Act 103 of 1977), as amended from time to time.
(2) The Applicant to whom approval has been granted and the owner of the property or building to which it is attached will be jointly and severally liable for the maintenance thereof and will undertake at least one inspection per year thereof with a view to satisfying themselves as to the safety thereof.
(3) Where any sign becomes torn or damaged or otherwise falls into a state of disrepair, the applicant to whom the approval has been granted and the owner of the fixture or property which or to which a sign is attached will within 7 working days of a notice to do so, repair it.
(4) All signs and their support structures will be constructed of incombustible, durable materials suited to the function, nature and permanence of the sign.
(5) All glass used in a sign, other than glass used in illumination, must be safety glass of at least 3 mm thick.
(6) Glass panels used in a sign must not exceed 0,9 m^2 in area, each panel being securely fixed in the body of the sign, structure or device independently of all other panels.
(7) Every sign and its support structure will be kept in a state of good repair.
(8) No sign may be placed covering any window or opening provided for ventilation of a building or obstruct any stairway or doorway or other means of exit from the building or prevent movement of people from one part of a roof to another.
(9) No advertising structure will be closer to overhead electrical equipment than the minimum distance as prescribed from time to time.

7. Electrical requirements

(1) All signs needing an electrical connection must preferably be supplied from the existing electrical supply on the erf where it is to be erected. If this is not possible, application for a metered electricity supply must be made to the relevant authority.
(2) Every sign in connection with which electricity is used, will be provided with suitable capacitors to prevent interference with radio and television reception.
(3) Each power cable and conduit containing electrical conductors in respect of a sign will be so positioned and fixed so that it is safe, unseen, inaccessible and child tamper proof and animal proof.
(4) Each interior high-voltage installation that runs unattended (such as a window display) and each exterior high-voltage installation will have an acceptable type of fireman's switch in accordance with the requirements as stipulated in sections 6.7.2 and 7.5 of SABS 0142 1993 promulgated in terms of the Occupational Health and Safety Act (Act 85 of 1993).

8. Illumination requirements

(1) The Municipality may approve an illuminated sign, provided that the provisions of this By-Law are complied with and that such illumination does not constitute a road safety hazard or cause undue light spillage.

(2) Signs may not be illuminated if no sign content is displayed.

(3) Requirement for internal illumination and/or electronic signs:

- (a) Internally illuminated and electronic signs containing third party advertising may only be displayed in areas of partial and minimum control and must be less than 2,1 m². This size condition may be waived, up to a maximum size of 4,5 m² in any such area upon receipt of an Environmental and Heritage Impact Assessment showing no detrimental impact will be caused by the proposed display, or to any larger size specified by the Municipality in an area designated by the Municipality as a district in which illuminated or electronic signs are to be encouraged;
- (b) electronic signs may not have subliminal flashes; and
- (c) Prior to erection, the Municipality may require a Traffic Impact Assessment to be conducted, the results of which must indicate that no detrimental impact on traffic is envisaged. In addition the Municipality may require subsequent traffic monitoring of any internally illuminated or electronic sign.

(4) Requirements for external illumination:

- (a) The light source emanating from floodlights will not be visible to traffic travelling in either direction;
- (b) floodlights will not be positioned so as to create any undue light spillage beyond the surface area of the sign; and
- (c) Approved wayleaves must be obtained from the electricity department prior to any excavations for the installation of signs. This also applies for signs to be erected in the vicinity of overhead power lines.

9. Road traffic safety requirements

(1) Signs may not be erected in an area where the Municipality is of the opinion that they are an unacceptable distraction for drivers or where drivers turn, negotiate curves or traffic merges, diverges or weaves.

(2) Electronic signs will not be permitted if they are visible from a class 1 road, gateway route or a scenic drive unless expressly approved in writing by the Municipality.

(3) Advertising on bridges, towers, telecommunication masts or pylons will not be permitted.

(4) Signs will not be located within 50m of the perimeter of an intersection of a designated metropolitan road unless expressly approved in writing by the Municipality.

(5) The graphic content of signs will not have the potential to be visually interpreted as a road traffic sign, due to any factor, including but not limited to the following:

- (a) Any stylised or pictorial presentation of a road traffic sign or traffic signal;
- (b) any word, symbol, logo or other device used on a road traffic sign;
- (c) use of combinations of colours specified for road traffic signs, in a manner likely to lead to confusion; and

(d) any reflectorised paint or material.

(6) Signs may not be erected in an area where the traffic volume, the average following headway or accident history requires a higher than average degree of awareness from drivers.

(7) Signs may not be attached to or obscure a road traffic sign or traffic signal specifically provided for in the South African Road Traffic Signs Manual and/or the South African Development Community Road Traffic Signs Manual.

(8) Signs may not be erected within the road reserve of any public road unless expressly approved by the Municipality.

(9) When located at signalized traffic intersections, signs may not have the colours red or yellow or green as main colours and will not obscure or interfere with any road traffic sign or traffic signal.

(10) Electronic signs will not be permitted within 80 metres of the perimeter of a signalised traffic intersection.

(11) Flashing or running messages or variable transition messages that have a message change interval of greater than 0,3 seconds or have transition effects between message changes will not be permitted if viewable from a public road.

(12) Static display, simple transition signs will display a complete frame for an information cycle length of not less than 60 seconds when visible from a signalised traffic intersection and 30 seconds at other locations.

(13) All third-party signs larger than 4,5 m² erected adjacent to a public road or in a railway reserve intended to advertise to persons using designated roads must be spaced a minimum specified distance from any other sign or road traffic sign, such distance measured parallel to the centre line of the roadway, in accordance with Table 1.

TABLE 1: LINEAR SPACING BETWEEN SIGNS

Case	**Spacing required when visible to traffic on a road with a speed of:**		
	60 km/h or less	**61-80 km/h**	**81-120 km/h**
Where an advertising sign follows a road sign	380 m	425m	475m
Where an advertising sign follows an advertising sign	310m	360m	410m
Where an advertising sign follows precedes a road sign	40m	70m	100m

(14) The abovementioned minimum distances specified in Table 1 above may be decreased by the Municipality if the sign falls within an area of minimum control, or in other areas of control on submission of a TIA motivating a reduction of this spacing to the satisfaction of the Municipality. The Municipality may from time to time prepare a list or map of designated areas in which the abovementioned spacing requirements will not be applicable.

10. Legal requirements

All signs to be erected and/or displayed within the area of jurisdiction of the Municipality must, in addition to complying with this By-Law, comply with all other applicable legislation, including any applicable Zoning Scheme Regulations or condition of approval of any departure from the applicable Zoning Scheme Regulations.

11. Approval

(1) The Municipality may refuse any application or grant its approval subject to conditions relating to the erection and/or use of the sign and including a condition that the owner of any sign or billboard or the land or building on which it is erected or displayed, or both such owners and/or the person whose product and/or services are advertised, indemnify the Municipality against any consequences flowing from the erection, display or mere presence of such sign.

(2) The Municipality may, at any time, withdraw an approval granted in terms of this By—Law or its predecessor or amend any condition or impose a further condition in respect of such approval, if a sign or advertising structure is in a state of disrepair, stands empty for more than 90 consecutive days, no longer complies with any provision of this By-Law or is substantially altered from the original approved application by way of either structure or graphic content.

(3) Should an approved sign not be erected within 12 months from the date of approval or within such other time as is specified in the approval, such approval will lapse, unless that period is extended in writing by the Municipality prior to such lapse.

(4) Any approval of third party advertising granted by the Municipality in terms of this By-Law, will endure for a maximum period of 5 years, calculated from the date of approval, unless extended in writing prior to the expiry of the approval period. The Municipality must receive a written application for extension of the approval period at least six calendar months prior to the lapse of the approval period.

(5) In the event that the structure supporting such sign is intentionally demolished before the expiry of the approval period, the approval will lapse and no further sign or supporting structure may be erected or re-erected without the Municipality's prior approval in terms of this By-Law.

(6) All decisions by the Municipality regarding applications made in terms of this By-Law will be in writing and will be provided to Applicants within 90 calendar days of date of submission of a complete application, alternatively, if so required by the Municipality, within 90 calendar days of its receipt of any additional information and/or assessments provided to the Municipality.

CHAPTER 3
MISCELLANEOUS PROVISIONS

12. Appeal

(1) Any persons whose rights are affected by a decision made in connection with this By-Law by the Municipality may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.

(2) The Municipal Manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).

(3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
(4) The appropriate appeal authority will be as determined by the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), as amended from time to time.
(5) An appeal authority must commence with an appeal within six weeks after receipt of the appeal and decide the appeal within a reasonable period.

13. Municipality's approval is not required for the following signs

(1) Should any sign not comply with the conditions relative to each sign type listed below, an application in terms of section 3 be required.
(2) Subject to compliance with the conditions relative to each sign provided for in subsections (3) to (12), and any other applicable legislation, or condition imposed by the Municipality, no application for approval is required in terms of this By-Law in respect of the signs provided for in subsections (3) to (12).
(3) *Development Boards.*

(a) Development boards will be removed forthwith when the building operations are complete or forthwith if the building operations are discontinued, or when the provisions of the services, the doing of the work, or the supply of the goods to which the sign relates has ceased.
(b) The Municipality may order the removal of any such sign if the building operations have been substantially completed or discontinued or an Occupancy Certificate has been issued by the Municipality, or the provision of the services, the doing of the work or the supply of the goods to which it relates, has for all practical purposes ceased, and such signs will thereupon be forthwith removed but no later than 5 days after the date of the order for removal thereof.
(c) If the premises on which building operations are in progress, are to be used wholly for residential purposes, only one development board will be displayed and such development board will not exceed 3 m² in total area.
(d) If the premises are not to be used wholly for residential purposes, no more than two development boards will be displayed and the aggregate area of both development boards will not exceed 5 m² in total area;
(e) If the signage, whether on freestanding boards, or flexible building covering material, include any other form of Third Party advertising, such sign must then comply with the provisions of Schedule 8 hereto and Municipal approval for the display thereof must first be obtained in terms of this By-Law.

(4) *To Let/For Sale Signs.*

These include any sign not exceeding 400 mm x 500 mm in total area displayed at existing premises or at properties upon which a new building is being erected and relating to accommodation being offered to rent or purchase in the building, on condition that any such sign will be removed within 60 days after the date upon which the accommodation to which it relates is capable of occupation.
(5) *On Premises Business Signs.*

These include any unilluminated sign not projecting over a public road and not exceeding 0,2 m² in total area notifying only the types of trade, business, industry or profession lawfully conducted by any occupant or permanent resident of the premises to which it is attached, the name of such occupant, the type of activity, the address and telephone number of such premises and the hours of attendance (if any); provided that only one such sign per occupant may be displayed.

(6) *Window Signs*.

These include any locality bound signs which are temporarily or permanently painted on or attached to the window glass of a building used for commercial, office, industrial or entertainment purposes, or any other temporary or permanent sign which is displayed within 2 m of any window or external opening through which it can be seen from the outside such a building, on condition that no window sign will exceed 4,5 m² in an area of maximum control.

(7) *Signs incorporated in the face of a building*.

Any sign forming an integral part of the fabric of a building (but excluding a painted sign or a sign affixed in any manner onto the building), on condition that no such sign will exceed 0,2 m² in total area.

(8) *Signs on Sports Fields*.

Except when visible from scenic drives, any sign erected around the perimeter of a sports field, to a maximum size of 2m x 1m each, provided further that larger signs which face inwards onto the field and are not visible from any other public place, will also be permitted.

(9) *Security Signs*.

Any security sign not projecting over a public road and not exceeding 0,2 m² in total area indicating either that a security watch scheme is in operation or that a security company has been contracted to protect the premises on which the sign is displayed, on condition that –

(a) only one such sign is displayed on any public road or each street frontage of such premises; and

(b) the said sign displays only the name, logo, address and telephone number of a security company contracted to protect the premises on which the sign is displayed.

(10) *Sponsored, Commercially sponsored and Non-Profit Body Signs: less than 4,5 m²*.

(a) Any such sign whether erected by or in connection with a non profit body or not; not exceeding 4,5 m² in total area on condition that no more than 5% of the total surface area of the sign is used for third party advertising; and the sign is not illuminated, and furthermore provided that only one such sign will be permitted per erf.

(b) Signs which comply with provisions of paragraph (a) will, when erected on municipal land, only be erected once agreement has been concluded with the Municipality, wherein the extent of the community or public benefit as jointly agreed between the municipal department responsible for the premises and/or land has been agreed and the terms of the erection of the sign agreed, and a copy of the agreement lodged with the environmental management branch or its successor in title, of the Municipality.

(c) All other sponsored signs are dealt with in Schedules 16 and 17.

(11) *Advertising on Flags*

Advertising flags will only be displayed on flag poles, provided that no more than 3 flag poles of 3 m each in total height, will be permitted on any one property on which they are displayed.

(12) *Advertising on Vehicles*

Signs painted or affixed directly onto the body of a motorized vehicle.

14. Disfigurement

No person will destroy, harm, damage or disfigure or deface the front or frontage of any street, road traffic sign, wall, fence, land, rock, tree or other natural feature, or the front or frontage or roof of any building or structure in any manner whatsoever during construction or through the display or use of a sign or the writing or painting of any sign, symbol, letters or numerals. Furthermore, no person will disfigure any sign legally displayed in terms of this By-Law.

15. Damage to municipal property

No person will, in the course of erecting or removing any sign, or banner, cause damage to any tree, electric standard or service or other municipal installation or property and street furniture.

16. Entry and inspections

The Municipality will be entitled, through its duly authorized officers, and following prior written notification to the owner or occupant of a property, to enter into and upon any premises, at a reasonable time for the purpose of carrying out any inspection necessary for the proper administration and enforcement of the provisions of this By-Law.

17. Offences

(1) Any person who –

(a) contravenes or fails to comply with any provision of this By-Law;

(b) contravenes or fails to comply with any requirement set out in a notice 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,

will be guilty of an offence and on conviction will be liable to a fine or imprisonment as set out hereinbelow.

(2) In the case of a continuing offence, to a fine, as set out hereinbelow, for every day during the continuation of such offence after a written notice has been issued by the Municipality requiring discontinuance of such offence.

(3) For a second or subsequent offence, liable on conviction to a fine or imprisonment as set out hereinbelow.

(4) The fines and penalties applicable to offences in terms of this By-Law are:

(a) Upon conviction of a first offence, the guilty party will be liable to a fine not exceeding R10 000,00 as adjusted in terms of the Adjustment of Fines Act, 1991 (Act 101 of 1991) from time to time, or, in default of payment, to imprisonment for a period not exceeding two months;

(b) in the case of a continuing offence, the guilty party will be liable to a further fine not exceeding R500,00 as adjusted in terms of the Adjustment of Fines Act, 1991 from time to time, for every day during the continuance of such offence;

(c) upon conviction of a second or subsequent offence, the guilty party will be liable to a fine not exceeding R50 000,00 as adjusted in terms of the Adjustment of Fines Act, 1991 from time to time or in default of payment, to imprisonment for a period not exceeding 6 months.

(5) Notwithstanding the provisions of subsections (1) to (4), in respect of the unauthorised display of posters and/or estate agents' boards, the applicable fines will be as set out in Schedules 9 and 10 hereto.

(6) Unlawful signs removed by the Municipality may be reclaimed from the Municipality on payment in full to it of any costs incurred by the Municipality in the removal of the said sign, as well as payment of the costs of any charges incurred in the storage of such sign within two months. Any unlawful signs removed by the Municipality and not reclaimed within two months of the date of removal will be disposed of by the Municipality in its sole discretion to defray its removal and/or storage costs.

18. Presumptions

Any person charged with an offence in terms of this By-Law who is –

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

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

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

19. Enforcement and removal of signs

(1) If any sign displayed is in contravention of this By-Law, the Municipality may serve a notice on the owner or lessee of the sign, or the land owner on whose land the sign is erected or displayed, or person whose product or services are advertised, calling upon such person to remove such sign or carry out such alteration thereto or do such work as may be specified in such request or notice, within a time frame specified therein. Notwithstanding the service of such notice, it may be withdrawn or varied by the Municipality, by agreement with the person so served, or failing such agreement, by the service of a further notice.

(2) Should the Municipality's demands, as set out in the notice, not be carried out within the time period specified therein, the Municipality may, without further notice to the person upon whom the notice was served and after obtaining relief from the appropriate court on an ex parte basis, remove or alter the sign or do such work as may be specified in such notice, provided that no court order will be required, if the unlawful sign is erected or displayed on property belonging to the Municipality, prior to removal or alteration thereof.
(3) In the event of the Municipality removing or altering a sign, the Municipality will be required to compensate any person for any unreasonable loss or damage occasioned by or in respect of such removal or alteration.
(4) Any costs incurred by the Municipality in removing signs, or in doing alterations or other works required in terms of a Notice, may be recovered from the person on whom the notice was served.
(5) Notwithstanding any other clause in this By-Law, if a sign is, or is reasonably considered to be a danger to life or property, by a duly authorized employee of the Municipality, acting in connection with this By-Law, the Municipality itself may, without prior notice and without a Court Order; carry out or arrange for the removal of such sign. Any costs incurred by the Municipality in carrying out or arranging for the removal of such sign may be recovered from the owner or lessee of the sign, or the landowner on whose land the sign was erected, or the person whose product or services were advertised, jointly and severally.

20. Service of notices

Where any notice or other document is required by this By-Law to be served on any person, it will be deemed to have been properly served if served personally on him/her, or any member of his/her household, apparently over the age of 16 years, at his place of residence, or on any person employed by or with him at his place of business, or if posted by registered post to such person's residential or her business address, as it appears in the records of the Municipality, or if such person is a company or closed corporation or a trust, if served on any person apparently employed by that company, closed corporation or a trust, at the registered office thereof, or sent by registered post to such office.

21. Magistrate's court jurisdiction

Notwithstanding anything to the contrary contained in any law relating to Magistrates' Courts, a Magistrate will have jurisdiction, on the application of any Local Authority, to make an Order for the enforcement of any of the provisions of this By-Law or of any approval, refusal or condition granted or applicable in terms hereof.

22. Repeal of by-laws

(1) This By-Law repeals the following legislation:

- PN 295 of 1958 Standard Regulations relating to advertising signs and disfigurement of the front and frontages of streets
- PN 593 of 1958 Standard Regulations relating to advertising signs and disfigurement of the front and frontages of streets.

(2) Anything done under or in terms of any provision repealed by this By-Law will be deemed to have been done under the corresponding provisions of this By-Law and such repeal will not affect the validity of anything done under the By-Law so repealed.
(3) Anything done prior to promulgation of this By-Law, which was not done in terms of a provision repealed in this By-Law and was unlawful,
will in the event of such act or sign still not complying with the provisions of this By-Law, be unlawful.

23. Savings and transitional arrangements

(1) Any application for the display of any advertisement or erection of any advertising structure for advertising purposes, submitted to the Municipality prior to promulgation of this By-law and in respect of which a decision has not yet been made by the Municipality prior to promulgation of this By-law, will be considered by the Municipality in terms of this By-law which is applicable thereto.
(2) These by-laws shall not, for a period of twenty-four (24) months from the date of promulgation hereof, apply to any sign lawfully in existence at that date, if, during such period, such sign is continuously displayed without alteration, re-erection or reconstruction and if at all times during such period it complies with these by-laws and is maintained in a proper and safe condition;
(3) All other signs shall be removed or brought into compliance with these by-laws within a period of twelve (12) months from date of promulgation hereof, unless more immediate removal is required by written notification of the controlling authority.

24. Short title and commencement

These by-laws may be cited as the Kouga Outdoor Advertising and Signage By-law and commences on the date of publication thereof in the Provincial Gazette.

SCHEDULE 1
AREAS OF CONTROL

Maximum			Partial	Minimum
Natural area	**Rural area (outside urban edge)**	**Urban area**	**Urban area (within urban edge)**	**Urban area (within urban edge)**
Proclaimed nature reserves Protected natural environments Game reserves Proclaimed bird sanctuaries Proclaimed marine reserves Beaches and seashores Oceans Forestry areas River corridors 1:100 year flood plains Wetlands Scenic drives Specific areas designated as maximum natural by way of a map prepared by the municipality	Agricultural areas Horticultural areas Rural smallholdings Large private open spaces e.g. golf courses Scenic drives Urban edge zones as defined by policy Agricultural and horticultural areas and adjacent road reserves and rail reserves Specific areas designated as maximum natural by way of a map prepared by the municipality	Urban conservation areas Heritage sites Residential zones and adjacent road reserves and rail reserves Mobility routes Pedestrian malls and squares Scenic features Scenic drives Gateways Declared open spaces Public and private open spaces Urban smallholdings Intensive urban agricultural areas 1:100 year flood plains River corridors Wetlands Community facilities excluding sports facilities and stadiums Core flora conservation sites and identified by the National Botanical Institute Residential components of mixed use buildings Designated roads Areas or sites designated as maximum urban by way of a map prepared by the municipality	Central business districts Mixed use commercial and residential areas Commercial ribbon development and activity corridors Commercial and business districts and adjacent road reserves and rail reserves Entertainment districts or complexes with commercial zones Sports fields and stadiums Undetermined zones (including railway reserves, transport use zones) and including and referred to in the SATS Act Specific areas or sites designated as partial control by way of a map prepared by the municipality	Industrial zones Designated transportation terminals Designated areas with undetermined zones Specific areas designated as minimum control by way of a map prepared by the municipality

SCHEDULE 2
BILLBOARDS

(1) Subject to approval in terms of this By-Law, the erection and/or display of Billboards, whether custom made or of standard design, is permitted only in areas of minimum control. In addition Billboards –

(a) if the proposed erf where the billboard is to be erected borders on a designated metropolitan road and furthermore if the buildings on that erf are more than 50 m from the road reserve line, the billboard may not be placed less than 50 m from the road reserve line this same distance to be calculated at 90° to the nearest point of the road reserve. This distance may be waived to a distance no less than the alignment of the public facades of building on the erf or adjacent erven, if such adjacent buildings or if the buildings on the erf are less than 50 m from the road reserve upon receipt of an Environmental Impact Assessment and Traffic Impact Assessment indicating no detrimental impact. If the proposed site of erection of a billboard has been designated as a gateway then no billboards will be permitted within such gateway;

(b) will comply with the standard conditions for approval set out in this By-Law;

(c) will not encroach over the boundary line of the property on which it is erected, whether such encroachment is aerial or on ground level;

(d) will have a minimum clear height of 2,4 m and a sign structure which does not exceed a maximum height of 7,5 m above natural ground level;

(e) will not exceed a maximum total size of 36 m² provided that on any V-shaped single structure, two such panels may be permitted;

(f) will be displayed between the angles of 90° and 60° to the direction of oncoming traffic;

(g) will be spaced a minimum distance apart as required by the Road Traffic Safety Requirements sections of the By-Law;

(h) will only be externally illuminated;

(i) if located at signalized traffic intersections, will not be erected or displayed within 50 m of the perimeter of the intersection if unilluminated, and within 80 m of the perimeter of the intersection if illuminated;

(j) if erected along the right hand side of a section of road, such that its graphics are visible to a driver travelling on the left hand side of the road, will be deemed to have replaced the advertising opportunity that existed on the left hand side of the road;

(k) will have a minimum letter or number height of 285 mm.

(2) The information content of a proposed advertisement will be measured in “bits’’. In calculating the information content of a proposed advertisement the bit weights shown in the table below will be used:

Elements of the advertisement		Bits per element
Words	Up to 4 letters	0.5
	5-8 letters	1.0
	More than 8 letters	2.0
Numbers	Up to 4 digits	0.5
	5-8 digits	1.0
	More than 8 digits	2.0
Logos, symbols and graphics	Smaller than 8 square metres	1.0
	Larger than 8, but not exceeding 15 square metres	1.5

SCHEDULE 3
LOCALITY BOUND FREESTANDING AND COMPOSITE SIGNS

Subject to approval in terms of this By-Law, the erection and/or display of Locality Bound Freestanding signs are permitted only in Urban areas of maximum, partial and minimum control. In addition –

(a) locality bound freestanding signs will only be permitted in the following instances:
   - (i) Where business premises are set back 15 m or more from the boundary of the road reserve; or
   - (ii) where it is not reasonably possible to affix appropriate signs to a building; or
   - (iii) where such a sign is necessary to allow the public to locate the entrance to business premises; or
   - (iv) where the existence of a freestanding composite sign may prevent the proliferation of signs;

(b) locality bound freestanding composite signs may not exceed 7,5 m in height and in addition may not exceed 4,5 m² in total area. This provision may be waived to a maximum height of 10 m and a maximum total area of 15 m² per side, having regard to the following factors:
   - (i) If such increase reduces the number of individual signs facing any one street boundary of the site, thereby minimising the visual impact on the surrounding environment;
   - (ii) If more than 2 significant roads approach the site in question;
   - (iii) The number of businesses which will be advertising on such sign;
   - (iv) The number of approach/exit routes to the site in question;
   - (v) The applicable zoning of the area surrounding the site in question. A surrounding residential zone will not accommodate the same size of sign as will a surrounding commercial/industrial zone;

(c) (i) service station free standing signs must be locality-bound and may only be erected or displayed at service stations adjacent to and directly accessible from the public road at which such a sign is directed and only one service station free standing facility sign per street boundary will be permitted. This provision may be waived only where these signs are visible from national class 1 routes (N1, N2 and N7); and

   (ii) service station free standing signs will not exceed 7,5 m in height and will not consist of more than 8 advertising panels of 4,5 m² each in total area. The provisions of this section may be waived to a maximum height of 16 m and 8 advertising panels not exceeding 6 m² each in total area having regard to the factors mentioned in subsection (b).

SCHEDULE 4
SIGNS ATTACHED TO WALLS OF BUILDINGS: FLAT AND PROJECTING SIGNS

Subject to approval in terms of this By-Law, the erection and/or display of flat and projecting signs are permitted in all areas of maximum, partial or minimum control. In addition, flat and projecting signs will –

(a) not be allowed within 0,6 m of the edge of a roadway nor will it extend to within 0,6 m of the edge of a roadway;

(b) not project in front of a wall more than 1,5 m in the case of a sign which has a clear height of more than 7,5 m; or more than 1 m in the case of any lesser clear height;

(c) not project more than 250 mm over a footway unless such sign has more than 2,4 m clear height;

(d) not obstruct the view from any window or any other external opening of any building and no portion of any such sign will be affixed over or onto any window, door or any other openings;

(e) not exceed 54 m² in total area and may not exceed one-quarter of the overall area of the surface to which they are affixed or painted whichever is the lesser. This size restriction may be waived on condition that –

  (i) an Environmental Impact Assessment is submitted to the Municipality indicating no detrimental environmental impact is envisaged; and

  (ii) if it is proposed to erect a flat or projecting sign in a conservation area, a Heritage Impact Assessment is submitted indicating no detrimental impact in respect of Heritage resources is envisaged;

  (iii) the graphics which are proposed for the said sign will be fixed for the period of display of the sign;

  (iv) such sign will only display graphics designed and created by a suitably qualified creative consultant;

(f) be considered for approval on blank common boundary facades of non-residential buildings;

(g) if on public facades of any building, the sign will –

  (i) be so designed as to become an integral part of the building design;

  (ii) when third party, only be permitted if custom-made and subject to the requirements of subitem (e).

SCHEDULE 5
SKY SIGNS

Subject to approval in terms of this By-Law, the erection and/or display of sky signs whether custom made or of standard design is permitted in areas of minimum control only. In addition –

(a) sky signs –

(i) will be limited to a maximum total size of 4,5 m², provided that this size requirement may be waived up to a maximum of 18 m² upon receipt of an Environmental Impact Assessment indicating no detrimental environmental impact is envisaged;

(ii) will not obstruct the view from any other building;

(b) sky signs along the top edge of the roof of cultural, historic or architecturally significant buildings will only be permitted if they are locality bound, unilluminated and consist of individual cut-out letters or logos;

(c) sky signs contemplated in item (a) and (b), will have a minimum content of a proposed advertisement and will be measured in ‘‘bits’’ in calculating the information content;

Elements of the advertisement		**Bits per element**
Words	Up to 4 letters	0.5
	5-8 letters	1.0
	More than 8 letters	2.0
Numbers	Up to 4 digits	0.5
	5-8 digits	1.0
	More than 8 digits	2.0
Logos, symbols and graphics	Smaller than 8 square metres	1.0
	Larger than 8, but not exceeding 15 square metres	1.5

(d) the information content of a proposed advertisement will be measured in ‘‘bits’’. In calculating the information contents of a proposed advertisement, the bit weights shown in the table above should be used;

(e) the total bits in a proposed advertisement may not exceed 15.

SCHEDULE 6
ROOF SIGNS

Subject to approval in terms of this By-Law, the erection and/or display of Roof signs is permitted in all Urban areas of control except areas zoned for residential purposes in areas of maximum control. In addition –

(a) the total area of any roof sign affixed flush onto or painted onto a roof of a building will not exceed one-quarter of the overall area of the roof to which it is affixed or painted;

(b) when attached to the bottom edge of a roof or vertically midway on the roof of a building, such sign may not exceed 1 m in height and its total area may not exceed 25% of the area to which it is affixed;

(c) it will be permissible to affix a roof sign along the edge of a roof of a building, if such sign is composed of a single line of individual, cut-out letters, without visible bracing or support but will not be erected along more than two edges of such roof and will not exceed 3,6 m^2 in total area (6 x 0,6 m); with a maximum height of 1 m.

SCHEDULE 7
SIGNS ON A VERANDAH, BALCONY, CANOPY, SUPPORTING COLUMNS, PILLARS AND POSTS

Subject to approval in terms of this By-Law, the erection and/or display of signs on a verandah, balcony, canopy, supporting columns, pillars and posts may be permitted in all areas of control on condition that they also comply with the following conditions:

(a) No such signs will be allowed on or over architectural features of buildings;

(b) such signs may be affixed flat onto or painted on a parapet wall, balustrade or railing of a verandah or balcony, and beam or fascia of a verandah or balcony. In the aforementioned circumstances, the sign may not exceed 1m in height or project above or below or beyond either end of the surface to which it is affixed, or project more than 250 mm in front of the surface to which it is affixed or project over a roadway or within 0,6 m of the edge of a roadway;

(c) such signs may be affixed flat onto or painted on supporting columns, pillars and posts. In this regard, no sign may project more than 50 mm in front of the surface to which it is affixed and will not extend beyond any of the extremities of such column, pillar or post. Signs affixed flat onto non-rectangular supporting structures will be curved to fit the form of such structure. Only one sign will be allowed per column, pillar or post;

(d) such signs suspended below the roof of a verandah, canopy or the floor of a balcony will not exceed 1,8 m in length or 600 mm in height. Every such sign will be at right angles to the building line. No signs suspended under a canopy will extend beyond the external edge of the canopy or verandah to which it is attached;

(e) such signs on the roof of a verandah, canopy or balcony, excluding the main roof of a building, will be composed of a single line of freestanding, individual, cut-out silhouette letters without visible bracing or other visible means of support and will not be erected along more than two edges of such roof of a verandah or balcony.

SCHEDULE 8
SIGNS ON BOUNDARYWALLS AND FENCES AND ON CONSTRUCTION SITE HOARDINGS

Subject to approval in terms of this By-Law, the erection and/or display of signs on boundary walls and fences is permitted only for locality bound signs in Urban areas of maximum, minimum or partial control and in addition –

(a) in urban areas of maximum and partial control, the Municipality may approve an application to affix a locality bound sign against a boundary wall only if the sign is indented into the wall or composed of individual, unilluminated cut-out letters or symbols fixed flat on such wall not projecting more than 50 mm from the face of such wall;

(b) in areas of minimum control, the Municipality may approve –
   - (i) an application to affix a locality bound sign flat onto a boundary wall only if it does not project more than 50 mm from the face of such wall;
   - (ii) an application to affix a locality bound flat sign with a maximum size of 0,5 m² onto the permanent fence of an erf;

(c) third party and locality bound advertising on construction site hoardings and fences will comply with the following conditions:
   - (i) Any one sign will not exceed a vertical dimension of 3 m and total area of 18 m²;
   - (ii) any such sign will not project more than 100 mm in front of the hoarding or fence to which it is affixed;
   - (iii) there will be no illumination thereof in areas of maximum and partial control;
   - (iv) there will be no advertising on construction site hoardings and fences within the cone of vision of motorists at signalised traffic intersections.

SCHEDULE 9
HEADLINE POSTERS

Subject to approval in terms of this By-Law, the erection and/or display of headline posters is permitted in all areas except natural and rural areas of maximum control. In addition –

(a) headline posters may not exceed 0,9 m x 0,6 m in area;

(b) the commercial content of the poster may not exceed 20% of the area of the poster nor may such commercial lettering be larger than the main lettering in the remainder of the poster;

(c) the posters may be attached to Municipal electric light poles only where available and only pasted posters may be affixed to designated structures which are approved by the Municipality for the express purposes of pasting posters. They are not to be affixed to traffic signal poles, or other poles which carry road traffic signs, poles erected for any other purpose, or any other street furniture, wall, fences, trees, rocks or other natural features;

(d) headline posters may not be pasted on municipal electric light poles but are to be mounted on board and affixed securely with stout string or plastic ties unless a permanent frame has been approved for this purpose;

(e) only 1 headline poster per pole, regardless of which newspaper group it is, will be permitted;

(f) the number of posters as well as the designated areas for the display of headline posters as submitted by each newspaper group must be strictly adhered to;

(g) all ‘‘special events’’ posters are to comply with the following:

  (i) The name of the newspaper group, the ‘‘special event’’ and the date of the ‘‘special event’’ must appear on the posters in letters not less than 50 mm in height;

  (ii) the special event posters may not be displayed more than 7 days before the date of the event and they must be removed within 24 hours after the date of the event shown on the poster;

(h) headline posters and fastenings are to be removed on a daily basis failing which the posters will be removed, at the newspaper groups’ expense, in accordance with the standard charges for removal of posters;

(i) the Municipality may recover the costs of the removal of unauthorised posters, and the reinstatement of the surface from which such posters were removed, from the person/s responsible for the display of such posters or the newspaper group concerned. These costs will be reviewed annually in terms of the annual Schedule of Tariffs;

(j) the Municipality or its agent will remove any poster displayed in contravention of the abovementioned conditions;

(k) any poster not removed on a daily basis or a poster relating to a ‘‘special event’’ by due date referred to in item (g)(ii) will be removed by the Municipality or its agent;

(l) the display of unauthorised posters is illegal and the Municipality or its agent will also remove such posters;

(m) the Municipality will determine the costs involved for the removal of unauthorised posters by the Municipality from time to time;

(n) application must be made on an annual basis by each newspaper group for permission to display such signs subject to an annual fee per newspaper group/per annum or part thereof;

(o) a deposit per newspaper group must be paid annually against which a charge for the removal of any sign which contravenes the By-Law will be levied. In the event of the above deposit being exhausted, permission to display such signage is to be withdrawn until a further deposit is submitted to the Municipality;

(p) fees may be updated annually by the Municipality and in accordance with a published schedule or tariffs and charges.

SCHEDULE 10
ADVERTISING ON BANNERS, FLAGS AND BALLOONS

Subject to approval in terms of this By-Law, the erection and/or display of banners, flags or balloons is permitted in all areas except natural and rural areas of maximum control. In addition –

(a) locality bound advertising banners, flags and balloons will comply with the Municipality's standard conditions relating to the display of banners as set out hereinbelow;

(b) approval for third party advertising on banners and balloons will only be granted for a function or event conducted for religious, educational, social welfare, animal welfare, sporting, civic or cultural purposes or to a function or event relating to a Municipal, Provincial or Parliamentary election or referendum. The display of such banners will comply with the Municipality's standard conditions relating to the display of banners as set out hereinbelow;

(c) the display of banners is prohibited on any bridge or across any public road, and along any road designated by the Municipality from time to time, unless specific consent has been obtained from the Municipality;

(d) banners may not be attached so as to interfere with or constitute a danger to passing pedestrians of vehicular traffic;

(e) no banner will be larger than 3 m^2 except with the prior written approval of the Municipality;

(f) no banner may be displayed within 30 m of any road traffic sign or traffic signal;

(g) banners are not to be affixed to trees, traffic signal poles, electrical or service authority distribution boxes, or other poles which carry road traffic signs, rock, other natural features, street furniture or other Municipal property;

(h) banners may not be affixed in such a way that they unfairly prejudice other businesses/organisations or obscure any approved existing signs;

(i) locality bound banners may only be affixed to the premises concerned;

(j) only one first party advertising banner per premises will be permitted unless the Municipality's written permission is obtained for more than one banner and the applicant is to submit in writing the time frame required for the erection of such banner, which time frame will not exceed 10 days, unless the Municipality has specified, in its approval, that a longer period has been granted.

SCHEDULE 11
POSTERS

Subject to approval in terms of this By-Law, the erection and/or display of posters is permitted in all areas of control except natural and rural areas of maximum control. In addition –

(a) all posters must be presented to the Municipality in order to be date stamped, with the date upon which the poster is to be removed. This stamp must appear prominently on the front of the poster. Posters must be removed within 3 days of the date stamped onto the poster and must be returned to the Municipality within 4 days of the date stamped on the poster, in order to qualify for a refund of the deposit;

(b) the name of the host organisation, the date of the function and the venue must appear on the posters in letters not less than 50 mm in height;

(c) no more than an aggregate of 1 000 posters per function or group of related functions or event may be displayed at any one time (except election posters) in any area designated by the Municipality;

(d) posters may not exceed 0,9 x 0,6 m in area;

(e) the commercial content of the poster may not exceed 20% of the area of the poster nor may such commercial lettering be larger than the main lettering in the remainder of the poster;

(f) posters are to be attached to Municipal electricity light poles where available to a maximum of 3 per pole and pasted posters may only be affixed to designated structures which are approved by the Municipality for the express purpose of pasting posters. Posters are not to be affixed to traffic signal poles, electrical or service authority distribution boxes, or other poles which carry road traffic signs, poles erected for any other purpose, or any other street furniture, walls, fences, trees, rocks or other natural features;

(g) posters may not be pasted on municipal electric light poles but are to be mounted on board and affixed securely with stout string or plastic fastening unless a permanent frame has been approved for this purpose. (No securing material with a metal content is permitted);

(h) only one poster per function (or event) per body may be displayed on any one pole;

(i) no poster may be displayed within 30 m of any road traffic sign or traffic signal;

(j) posters may not be displayed more than 7 days before the date of the function and must be removed within 3 days from the date of the function or the last day thereof as applicable;

(k) the display of posters is prohibited on any bridge and the Municipality and/or its sub-councils may designate other areas where the display of posters will not be permitted;

(l) the Municipality may recover the costs of and as a result of the removal of illegal posters, and the reinstatement of the surface from which such posters were removed, from the person/s responsible for the display of such posters;

(m) the Municipality or its agent will remove any poster displayed in contravention of the abovementioned conditions;

(n) any poster not removed by the date referred to in item (a) will be removed by the Municipality;

(o) the display of unauthorised posters is illegal and such posters may also be removed by the Municipality or its agent;

(p) the display of posters purely for commercial advertising is not permitted, provided that any poster erected or displayed by a person, for a commercial advantage, which relates to a sport, the arts, or cultural event may be permitted, despite the display of that poster being purely for commercial advertising;

(q) each person intending to display a poster will pay to the Municipality a deposit, per poster and a non-refundable fee which will entitle that person to display the said poster for a maximum period of 14 days, or such other time as is stipulated by the Municipality, such fee being determined in accordance with the Municipality's Schedule of Tariffs and charges, published from time to time. No poster will be displayed without such deposit and fee having been paid.

SCHEDULE 12
ESTATE AGENT SIGNS

Subject to approval in terms of this By-Law, the erection and/or display of estate agent signs is permitted in all areas except natural areas of maximum control. In addition –

(a) estate agent signs may be displayed only from 12h00 on Saturday to 20h00 on Sundays;

(b) estate agent signs are to be attached only to municipal electric light poles where available and only with stout string or plastic ties. No securing material with metal content will be permitted. Signs may not be affixed to trees, traffic signal poles or other poles which carry road traffic signs, walls, fences, rocks, other natural features or landscaped areas, street furniture or other Municipal property unless such other display is authorized by the Municipality in writing;

(c) only one sign per agency per light pole may be displayed;

(d) on each sign, the wording ‘‘on show’’ ‘‘Showhouse, Showflat or Showplot’’ with the Agency’s name and directional arrow must be displayed.(directional sign);

(e) where no municipal light poles are available, signs may be displayed on stakes making use of a design approved by the Municipality. Estate agent signs may not be displayed on concrete, premix or paved surfaces. It is not permissible for stakes to penetrate the ground deeper than 15 cm;

(f) estate agent signs may not exceed 0,3 m² in total area;

(g) not more than six estate agent directional signs will be permitted in total per showhouse, show plot or block of flats in which a show flat is on display. The definition of one sign will include the display of two signboards only when such boards are sandwiched back to back around an electric light pole;

(h) estate agent signs may not be displayed along Scenic Drives and/or on any bridge, public park or public open space;

(i) only one directional sign per Showhouse/flat/plot may be displayed along any proclaimed main road, excluding roads referred to in item (h);

(j) no estate agent sign will obscure a road traffic sign;

(k) no estate agent sign will be erected on centre islands;

(l) no estate agent sign will be erected in such a way that any part of it is closer than 1,5 m from a road verge;

(m) directional signs will be displayed along main routes only, being the shortest route from a main road to the property;

(n) no estate agent signs may be erected on any tarred areas of pavements;

(o) ‘‘Sold’’/‘‘For Sale’’/‘‘To let’’ signs must be erected flush against the fence/wall of the property;

(p) ‘‘Sold’’ signs may be displayed flush against the fence/wall of the property for a maximum of two weeks only;

(q) no signs indicating anything other than property for sale may be erected or displayed by estate agents or agencies;

(r) application by each estate agency on an annual basis must be made for permission to display Estate agent signs and approval will be subject to payment of an annual fee in accordance with the Municipality’s Schedule of tariffs and charges published from time to time;

(s) a deposit will be paid per agency against which a charge for the removal of any sign which contravenes the By-Law will be levied. In the event of the above deposit being exhausted, permission to display such signage will be withdrawn until a further deposit is paid to the Municipality;

(t) any estate agent sign unlawfully erected, or in contravention of the provisions of this Schedule, will be subject to a charge by the Municipality, calculated in accordance with the published schedule of tariffs and charges irrespective of whether such sign is removed by the Municipality or not. In the event of the said sign not being removed by the Municipality; photographic evidence of the unlawful sign will be obtained by the Municipality prior to levying the said charge.

SCHEDULE 13
LOOSE PORTABLE SIGNS

Subject to approval in terms of this By-law, the erection and/or display of loose portable signs is permitted in areas of minimum and partial control as well as designated areas within urban areas of maximum control. In addition –

(a) loose portable signs placed in the road reserve or in public open space without the written permission of the Municipality are not permitted in terms of the By-Law;

(b) the Municipality may summarily remove those loose portable signs placed without the Municipality's permission in the road reserve or Municipality-owned property. The Municipality will impound these signs. Owners can recover their property on payment of R100,00 to the Municipality which will be used to defray the cost of removal, storage and transportation;

(c) the Municipality will consider applications to permit the placement, within the road reserve or on Municipality owned property of certain loose portable signs which comply with the following requirements:

  (i) The loose portable sign does not pose a hazard in terms of safety to the public and is, in this regard, of appropriate structure and size;

  (ii) the loose portable sign does not obstruct or inconvenience the public either by its physical size or location;

  (iii) the loose portable sign does not unfairly prejudice other traders;

(d) the loose portable sign, or proposed number thereof does not detract from the amenity of the local streetscape or local environment;

(e) the loose portable sign is solely to advertise the name of the business, goods and/or services for sale from the advertiser's premises;

(f) the maximum dimensions of the proposed loose portable sign will be 1,20 m (height) x 0,6 m (width);0

(g) the loose portable sign will be placed directly in front of the advertisers' premises, provided that the above criteria are met;

(h) a minimum clear footway width of 1,2 m adjacent to the sign must remain clear;

(i) approved loose portable signs will be allocated to a demarcated area within the road reserve or on Municipal property where, during the normal trading hours, applicants may then place the approved loose portable sign. The said loose portable sign must be removed outside normal trading hours and stored away from public view;

(j) the demarcated area for displaying the loose portable signs, will be leased to an applicant at a rate to be set by the Municipality and published in accordance with a Schedule of tariffs and charges to be updated annually by the Municipality, payable in advance for a maximum period of six months;

(k) applicants will be required to indemnify the Municipality against any claims for third parties that may arise, due to the placement of loose portable signs within the road reserve or on municipal property and will take out third party insurance;

(l) notwithstanding the above the Municipality may cause the removal or impoundment of the loose portable sign/s should the applicant contravene any of the above conditions;

(m) the fees set out herein may be updated annually by the Municipality and in accordance with a published schedule of tariffs and charges.

SCHEDULE 14
AERIAL SIGNS

Subject to approval in terms of this By-Law, the erection and/or display of aerial signs is permitted only in urban areas of partial or minimum control. In addition –

(a) no aerial signs affixed to any building or structure will be flown at a height of more than 45 m from the surface measured from ground level;

(b) aerial signs must not be flown above a public road.

SCHEDULE 15
TRANSIT ADVERTISING

Subject to approval in terms of this By-Law, the erection and/or display of transit advertising signs is permitted only in urban areas of partial or minimum control. In addition –

(a) the parking of a transit advertising sign which is visible from a public road or a public place for the purpose of third-party advertising is prohibited, except if it is displayed on a designated display site approved in terms of this By-Law;

(b) transit advertising signs parked on private property for the purposes of storage will be positioned in such a manner as not to be visible from a street or public place;

(c) the advertising panel or portion of the vehicle used for transit advertising will not exceed a cumulative total of 18 m^2 in areas of partial control, which size may be increased to a maximum size of 36 m^2 in areas of minimum control;

(d) the Municipality may designate sites in areas of partial and minimum control for transit advertising and will publish such sites from time to time;

(e) notwithstanding any provisions of this By-Law, the Municipality or its authorised agent may without prior notice carry out the removal of any unauthorized transit advertising sign from Municipal property, and, in the case of unauthorized transit advertising on private property, the Municipality or its authorized agent may serve a notice calling for removal in terms of this By-Law;

(f) transit advertising signs must be fixed to the ground at the parking location;

(g) all such trailers should be registered as mobile transit advertising trailers with the Municipality for ease of law enforcement.

SCHEDULE 16
SIGNS ON MUNICIPAL LAND/BUILDINGS

(1) Other than as is set out in items (2) to (4), no signs other than locality bound signs, temporary signs including loose portable signs, estate agents signs, newspaper headline posters and posters (the erection of which must comply with the appropriate schedules pertinent thereto) will be erected on Municipal owned land.

(2) C*ommercially sponsored signs, other than those referred to in section 13(10).* Notwithstanding the area of control within which it is proposed to erect a commercially sponsored sign on municipal land, and subject to compliance with all other provisions of this By-Law, the Municipality may consider a commercially sponsored sign for approval, subject to the following:

(a) Public or community needs or goals will be identified by the Municipality and/or adopted by it and if such needs can be addressed either entirely or in part by the granting of concessions to particular persons for the erection of commercially sponsored signs, the Municipality will be entitled to call for proposals or counter proposals for such public or community needs or goals and the related advertising opportunities;

(b) in order to identify such public or community needs or goals, the relevant Municipal department and other interested authorities will be consulted prior to proposals being invited, so as to establish conditions, criteria and constraints in respect of such advertising;

(c) the Procurement Policy will be applied and the extent of involvement of previous disadvantaged persons, small businesses, job creation and empowerment will be considered in any proposal;

(d) any proposal will be evaluated based on the requirements of the By-Law and inter alia on the best public or community benefit offered, the design contribution, the creativity and public safety and the adherence to the principals and/or stipulations in the By-Law as opposed to the largest advertising opportunity and/or financial gain. In addition, the permanence of the contribution to the public or community goal or need will be taken into account, as will the recovery cost over the period of the erection of the sign. When contributions in kind are to be recovered by the Municipality, a conversion of this to a monetary contribution to the Municipality's income base will be assessed;

(e) the relevant municipal departments, municipal property branch and the environmental management branch as well as the transport and roads branch (in the case of advertising within the road reserve) will jointly evaluate the proposal and approval will be given when such evaluation process is complete;

(f) the Municipality, as landowner, reserves the right not to proceed with any proposal prior to final approval thereof and the call for invitations for proposals in any respect will not be regarded as decision by the Municipality to proceed with the erection of a sign in respect of a specific site;

(g) once accepted, any sign to be erected in terms of this schedule must be the subject matter of a written agreement between the Municipality as landowner and the person responsible for the erection of the sign which agreement will contain the rights and obligations of both parties but which will not derogate from any of the obligations on either party in terms of this By-Law. No sign may be erected or displayed in terms of this schedule until such agreement has been concluded and a signed copy delivered to the environmental management branch of the Municipality.

(3) S*ponsored signs.*

Notwithstanding the area of control within which it is proposed to erect such a sign on Municipal owned land and subject to compliance with all other provisions of the By-Law, the Municipality may consider a sponsored sign for approval on condition that –

(a) in the application to be submitted in terms of section 3(2) of this By-Law, written details are delivered clearly indicating the recognised public or community goal which will be promoted by the erection and/or display of the proposed sign;

(b) signs with a political content will not be permitted;

(c) no more than 5% of the total surface of the sign is used for third party advertising;

(d) the maximum size of any such sign is 6 m x 3 m provided in the event of a V-shaped sign being proposed, its maximum size will not exceed two panels of 6 m x 3 m each;

(e) applications for billboards to be erected in terms of this section must comply with the requirements as set out in Schedule 2;

(f) no sign erected in terms of this clause will be located within 5 m of a property's boundary lines.

(4) N*on-profit signs.*

Notwithstanding the area of control within which it is proposed to erect a sign, and subject to compliance with all other provisions of this By-Law, the Municipality may consider the erection of a sign by or for the benefit of a non-profit body subject to compliance with the requirements set out in Schedule 17 hereto.

SCHEDULE 17
SIGNS ERECTED BY OR FOR THE BENEFIT OF NON-PROFIT BODIES

(1) Notwithstanding the area of control within which it is proposed to erect a sign by or for the benefit of a non-profit body, and subject to compliance with all other provisions of this By-Law, the Municipality may consider such a sign for approval subject to the following:

- (a) In the application to be submitted in terms of section 3 of this By-Law, written details from the host non-profit body regarding the nature and extent of the support to be received from the erection or display of the sign must be delivered to the Municipality together with the other information set out in section 3(2) of the By-Law;
- (b) the extent of involvement of previous disadvantaged communities, small businesses, job creation and empowerment will be considered in any proposal;
- (c) any proposal will be evaluated based on the requirements of the By-Law and the public or community goal benefit which is being met, the design contribution, the creativity and public safety and the adherence to the principals and/or stipulations in the By-Law as opposed to the largest advertising opportunity and/or financial gain. In addition, the permanence of the contribution to the goal of the non-profit body will be taken into account;
- (d) in the event of it being proposed that the said sign will be erected on municipal land –
  - (i) the relevant municipal departments, municipal property branch and the environmental management branch as well as the transport and roads branch (in the case of advertising within the road reserve) will jointly evaluate the proposal and approval will be given when such evaluation process is complete;
  - (ii) the municipality as landowner reserves the right not to proceed with any proposal prior to final approval thereof;
  - (iii) if accepted, any such sign to be erected in terms of this Schedule, on municipal land must be the subject of a written agreement between the Municipality, the person responsible for the erection of the sign and the non-profit body which agreement contains the rights and obligations of all parties but which will not derogate from any of the obligations on any party in terms of this By-Law. No such sign may be erected until such an agreement has been concluded and a copy delivered to the Environmental Management branch of the Municipality.

(2) In addition the following conditions will apply:

- (a) Signs with a political content will not be permitted;
- (b) the maximum size of any such sign is 6 m x 3 m provided in the event of a V-shaped sign being proposed, its maximum size will not exceed two panels of 6 m x 3 m each;

(c) applications for billboards to be erected in terms of this section must comply with the requirements as set out in Schedule 2;
(d) no sign erected in terms of this clause will be located within 5 m of a property's boundary lines;
(e) the name of the non-profit body must be displayed prominently along the top width of the sign with a maximum 300 mm lettering height;
(f) a public participation process has been held with all parties to be affected by the erection and/or display of such sign;
(g) the Municipality may require submission of an environmental impact assessment and/or traffic impact assessment and/or heritage impact assessment in accordance with its guidelines thereon;
(h) no more than two individual signs of 6 m x 3 m each will be permitted, or alternatively one V-shaped sign with a maximum size of two panels of 6 x 3 m each on any one property. In addition, only one sign per street frontage will be permitted.

SCHEDULE 18
STREET POLE ADVERTISING

(1) Street Pole advertisements will be permitted in areas of maximum, partial and minimum control.
(2) Street Pole advertisements erected in this category shall be used for commercial advertising on structures approved by the municipality.
(3) No person, except the appointed service provider by agreement, may display or cause to display any street pole advertisement.
(4) No ad hoc application for street pole advertising shall be permitted.
(5) The lettering and artwork used on the advertisement must be approved by the Municipality and shall be easily readable by passing motorists.
(6) The position and general requirements for this class of advertising signs are as follows:
a) Standardized Street Lamp pole Adverts shall be permitted only where they will not have a negative visual impact on the streetscape and the character of an area.
b) Only permitted on electric light standards or other structure, which ìs provided for the express purpose of affixing Street Lamp pole Adverts.
c) Not to cover municipal markings / stripes / fire hydrant markings on lampposts.
d) No steel or aluminium ladders shall be placed against the standards on which the posters are to be erected.
e) These advertising signs can be illuminated or animated.
f) Only permitted inside urban road reserves for roads under the jurisdiction of the Municipality and exclude freeways, National roads and Provincial roads outside Central Business Districts as delineated in the approved Spatial Development Framework.
g) Not closer than 0.3m from the nearest edge of any posters to the edge of the shoulder of the road.
h) Not to obstruct pedestrian movement.

i) Shall not in any way interfere with the sight distance of motorists.
J) If so required by the Municipality, the content shall be subject to the Municipality's approval.

SCHEDULE 19
ADVERTISEMENTS ON LITTER BINS

46. ADVERTISEMENTS ON LITTER BINS

(1) Advertisements on litter bins will be permitted in areas of maximum, partial and minimum control.

(2) No person, except the appointed service provider by agreement, may display or cause to display any litter bin advertisement.

(3) No ad hoc application for litter bin advertising shall be permitted.

(4) The size of advertising allowed in this class, are as follows: Size: Smaller and equal to 2,2m² in total area provided that the advertisements face more than one direction.

(5) The position and spacing requirements for this class of advertising signs are as follows:
(a) Permitted inside urban road reserve under the jurisdiction of Municipality, excluding all Provincial (excluding all roads within the CBD) and National roads, and excluding all freeways.
(b) Shall not be positioned closer than a minimum of 1,8m from the edge of the pavement litterbin to the edge of the shoulder of the road; and 0,3m from a cycle path, footpath or sidewalk. It shall not be placed in such a way that it shall cause deviation of the normal and easy flow of pedestrians or cyclists.
(c) Not to obstruct pedestrian movement.
(d) Shall not in any way interfere with the sight distances of motorists.
(e) Shall not be placed on a road median of less than 4m wide.
(f) Pole-mounted litter bins are only permitted on streetlight poles or other structure, which is provided for the express purpose of affixing pole-mounted litter bins.
(g)Pole-mounted litter bins shall not be attached to power line standard, power masts, road traffic sign or signal, traffic circle, traffic island, wall, column or post of a veranda or balcony, fencing, electricity box or sub-stations, tree or bridge or pole utilised to indicate the location of fire hydrants.
(h) Only one pole-mounted litterbin will be permitted per streetlight pole and one advertisement will be permitted per pole-mounted litter bin.
()No drilling or welding of poles will be permitted. Pole-mounted litter bins must be fixed to poles by means of removable brackets or stripping approved by the Kouga Municipality.

(6) Litter bin advertisements shall not be illuminated or animated.

(7) This class consists of advertising on pavement and pole-mounted litter bins, which are not intended primarily for advertising but which are provided for pedestrians and commuters.

(8) Litter bins shall not be used or positioned for the primary or sole purpose of advertising, but only where warranted by pedestrian movement, or at locations as requested by the Municipality.

(9) This class is subject to the approval of the Municipality.

SCHEDULE 20
SIGNS ERECTED BY OR FOR THE BENEFIT OF NON-PROFIT BODIES

(1) Advertisements on public transport shelters will be permitted in areas of maximum, partial and minimum control.

(2) No person, except the appointed service provider by agreement, may display or cause to display any public transport shelters.

(3) No ad hoc application for transport shelters advertising shall be permitted.

(4) The size and height of advertisements in this class will be guided by the design of the public transport shelter, and will be subject to Municipality approval.

(5) The position and spacing requirements for this class of advertising signs are as follows:

(a) Permitted only on public transport shelter which are inside urban road reserve or on any other property under the jurisdiction of Municipality, excluding all Provincial ,outside the CBD and National roads, and excluding all freeways.

(b) Shall not be positioned closer than 1,8m from the nearest edge of the public transport shelter to the edge of the shoulder of the road, but can be reduced to a minimum of 1,2m if approved by Municipality; and 0,3m from a cycle path, footpath or sidewalk. It shall not be placed in such a way that it shall cause deviation of the normal and easy flow of pedestrians or cyclists.

(c) Public transport shelters must be placed at specific locations as approved by the Municipality, on a public transport route where there is a need for such a shelter.

(d) Not to obstruct pedestrian movement.

(e) Shall not in any way interfere with the sight distances of motorists.

(f) Shall not be placed on a road median, road or traffic island.

(6) Advertisements on public transport shelters shall be illuminated, but not animated, and only if it does not lead to unsafe driving conditions, or does not have a detrimental effect on the surrounding area and where it is specifically not prohibited. No illumination shall be permitted in areas of maximum control.

(7) This class consists of advertisements on public transport shelters which forms part of the public transport shelter structure. The public transport shelter is a free-standing covered structure at a bus stop, taxi rank or lay-bye, with the purpose to provide a limited shelter for commuters and pedestrians, and is not intended primarily for advertising.

(8) The advertisement must be affixed to, and form part of, the public transport shelter, and shall not be a free-standing structure. No part of the advertising sign or advertisement shall extend beyond the panels or roof of the public transport shelter, as approved by Municipality.

(9) It provides ample opportunity for non-locality bound advertising along urban roads and streets inside road reserves and at transport nodes.

(10) Public Transport Shelters must be constructed in accordance to Municipality's specifications or designs approved by the Municipality.

(11) This class is subject to the approval of the Municipality.

SCHEDULE 21
ADVERTISING ON TAXI RANKS

(1) Advertisements on taxi ranks will be permitted in areas of maximum, partial and minimum control.

(2) The size and height of advertisements in this class will be guided by the design of the taxi rank, and will be subject to Municipality approval.

(3) The position and spacing requirements for this class of advertising signs are as follows:

   (a) Permitted only on taxi ranks which are on any Municipality owned property.

   (b) No sign erected shall be closer than 1,8m from the road edge or 0,3m from the nearest edge of any cycle path, footpath or sidewalk on the outside of the rank. It should not be placed in such a way that it shall cause deviation of the normal and easy flow of pedestrians or cyclists.

   (c) No advertisement erected on any taxi rank, shall obstruct any pedestrian or vehicle movement, visibility or sight distance.

   (d) Advertising signs on taxi ranks shall not extend beyond the taxi rank perimeter.

   (e) Only the inside of the ranks is available for advertising signs, mediums or branding, and not the road or road reserve adjacent to the rank, or the road which provides access to the rank.

(4) Illumination is permitted on the advertisements, only if it does not lead to unsafe driving conditions, or to any uncomfortable situation or position of any commuter or taxi rank user, or does not have a detrimental effect on the surrounding area or on any motorists, and where it is specifically not prohibited.

(5) This class consists of advertisements on taxi ranks with the purpose of beautifying a taxi rank through the medium of outdoor advertising, mainly through providing infrastructure such as destination boards, canopies, benches, litterbins, etc.; with the logo and/or slogans of the advertiser, as well as the maintenance of the provided infrastructure on which the logo appears. This can also include any infrastructure or means of advertising which is acceptable and approved by Municipality.

(6) Advertisements on taxi ranks should only be located where it will add value to the rank or to any infrastructure, or where it will beautify the rank, or where there is a need for such advertising, and not for the sole purpose of advertising.

(7) Advertisements on taxi ranks must be constructed in accordance to Municipality's specifications or designs approved by the Municipality.

(8) Advertising signs on taxi ranks which are on Municipality or private owned land will be subjected to the criteria of the specific type of advertising sign.

(9) This class is subject to the approval of the Municipality.

SCHEDULE 22
TOURISM SIGNS

(1) No person may erect a tourism sign without first obtaining the written approval of the Municipality.
(2) Tourism signs is permitted in all areas of control.
(3) Tourism signs may be displayed within all road reserves, except road medians and road islands.
(4) Tourism signs must have a distinctive white and brown colour and must use symbols according to the specifications in terms of the Road Traffic Signs Manual and the Road Traffic Act (Act 93 of 1996)
(5) Only two tourism signs per enterprise may be erected at only the nearest significant intersections to the tourist facility or within 100 meters from the entrance on a straight road, within urban areas, subject to (6);
(6) No tourism sign is permitted at an intersection with a major arterial road as classified by the relevant roads authority;
(7) Tourism signs shall be erected by the Municipality or by any other relevant authority at the cost of the applicant.

SCHEDULE 23
EXEMPTED SIGNS

(1) The following advertising signs or advertisements are exempt from the provisions of these By-laws:
(2) Any advertising sign displayed inside a sports stadium which is not visible from outside the stadium;
(3) Any advertising sign which is not aimed at road users and not visible from a public street;
(4) Any advertising sign which is displayed inside a building at a distance of more than two metres from any window or other external opening through which it shall be seen from outside the building and which is not aimed primarily at attracting the attention of the road user;
(5) Any national flag of any country hoisted on a suitable flag pole provided that no advertisement or subject matter is added to the design of the flag or flagstaff;
(6) Any banner or flag carried through the streets as part of a procession;
(7) Any advertising signs or advertisements which are permanently painted on or attached to the window-glass of a building;

(8) Any advertising sign which is incorporated in and forming an integral part of the fabric of a building applicable mostly to historical buildings only if the building or structure is not primarily used for advertising.

SCHEDULE 24
PROHIBITED SIGNS

(1) No person shall erect or display any of the following advertising signs or advertisements or cause or permit any such advertising sign or advertisement to be erected or displayed:

(a) Painted on a boundary wall, bridges, any water tower, reservoir or silo and all non-locality bound painted advertisements;

(b) Any advertising sign, advertisement, fly-poster or poster pasted, painted, placed on or against or attached to or otherwise supported by any power line standard, power masts, transformer box, telegraph pole, road traffic sign or signal (any lamp pole which has a road traffic sign or signal attached to it), traffic circle, traffic island or median (except for the display of gantries, litterbins, and Category Two [2] and Three [3] Posters), wall, column or post or pillar of a veranda or balcony, fencing, electricity box or sub-stations, tree, electrical transmission pylon or bridge or against any pole with municipal markings / stripes / fire hydrant marking on or any other municipal infrastructure where specific provision has not been made;

(c) With an overhang onto a roadway or shoulder, if not on a bridge or a gantry;

(d) Which will obscure a road traffic sign or which shall be mistaken for or cause confusion with or interfere with the functioning of a road traffic sign;

(e) Any sign which shall obstruct pedestrian traffic;

(f) Which will obstruct any window or opening provided for the ventilation of a building or which obstructs any stairway or doorway of other means of exit from a building or which will prevent the movement of persons from one part of a roof to another part thereof;

(g) Any animated or flashing sign where the frequency or the animation's or flashes or other intermittent alterations of which disturbs the residents or occupants of any building or is a source of nuisance to the public;

(h) In electronic advertising sign larger than 95m2;

(i) Where the illumination disturbs the residents or occupants of any building or is a source of nuisance to the public;

(j) On land not in accordance with the relevant zoning or approved consent use as per applicable Town Planning Scheme;

(k) Pasted otherwise than on an advertising structure legally erected for the purpose of accommodating such an advertisement;

(l) Which, in the reasonable opinion of the Municipality, is suggestive of anything indecent or immoral or constitutes hate speech;

(m) Which relates to a business which is conducted on an erf or land which has not been re-zoned for that specific purpose;

(n) Which relates to cigarettes or other tobacco products or any product which shall be prohibited to be advertised by any legislation on Municipality property;

(o) On landfill sites;

(p) On or against water towers and reservoir owned by Municipality;

(q) Painted or erected on traffic circles, islands, medians or speed humps;

Banners and flags that advertise sales promotions or commercial products or events, or banners suspended across a road, affixed to a bridge spanning a road, placed on or against or attached to or otherwise supported by any transformer box, telegraph pole, tree, road traffic sign, electric light standard or other sign or object;

Any flag of a permanent nature or an inflatable sign in the road reserve;

For any estate agency containing any other words except the words 'For Sale', 'To Let', 'Sold' or 'On Show' and the name, logo, address and telephone number of the selling agent or letting agent;

Other than an exempted sign, for which neither a permit nor approval has been obtained;

Any sign which does not comply with the requirements of a specific type of sign as prescribed in these By-laws.

On bridges across any freeway or over any national or provincial road.

shall be closer than 1,8m from the road edge or 0,3m from the nearest edge of any cycle path, footpath or sidewalk on the outside of the rank. It should not be placed in such a way that it shall cause deviation of the normal and easy flow of pedestrians or cyclists.

(a) No advertisement erected on any taxi rank, shall obstruct any pedestrian or vehicle movement, visibility or sight distance.

(b) Advertising signs on taxi ranks shall not extend beyond the taxi rank perimeter.

(c) Only the inside of the ranks is available for advertising signs, mediums or branding, and not the road or road reserve adjacent to the rank, or the road which provides access to the rank.

2. Illumination is permitted on the advertisements, only if it does not lead to unsafe driving conditions, or to any uncomfortable situation or position of any commuter or taxi rank user, or does not have a detrimental effect on the surrounding area or on any motorists, and where it is specifically not prohibited.

3. This class consists of advertisements on taxi ranks with the purpose of beautifying a taxi rank through the medium of outdoor advertising, mainly through providing infrastructure such as destination boards, canopies, benches, litterbins, etc.; with the logo and/or slogans of the advertiser, as well as the maintenance of the provided infrastructure on which the logo appears. This can also include any infrastructure or means of advertising which is acceptable and approved by Municipality.

4. Advertisements on taxi ranks should only be located where it will add value to the rank or to any infrastructure, or where it will beautify the rank, or where there is a need for such advertising, and not for the sole purpose of advertising.

5. Advertisements on taxi ranks must be constructed in accordance to Municipality's specifications or designs approved by the Municipality.

6. Advertising signs on taxi ranks which are on Municipality or private owned land will be subjected to the criteria of the specific type of advertising sign.

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

SCHEDULE 25: REMOVAL OF SIGNS OR ADVERTISING HOARDINGS

(1) Subject to the provisions of the Promotion of Administrative Justice Act 3 of 2000 the Municipality shall be entitled to remove any advertisement, advertising hoarding or advertising sign which-

(a) constitutes a danger to any person or segment or class of persons,

(b) has been displayed or erected without approval of the municipality,

(c) impedes the visibility of or restricts the proper functioning of any traffic sign or traffic light,

(d) is prohibited.

(2) If any advertising sign is displayed so that, in the opinion of the Municipality, it is detrimental to the environment or to the amenities of the neighbourhood, or otherwise in contravention of any requirement of or prohibited by these By-laws, or has fallen into a state of disrepair, the Municipality shall serve a notice on the owner of the advertising sign requiring him or her or it at own cost to remove such advertising sign or to carry out such alteration thereto or do such work as shall be specified in such notice, as the case shall be, within a time specified in the notice, provided that the provisions of this subsection shall not apply in respect of an advertisement or advertising sign which falls within the provisions of these by-laws.

(3) If a person fails to comply with a request contained in such notice the Municipality shall, in addition to any other power it has under these By-laws or any other law, remove such an advertisement, advertising sign or advertising structure at the expense of the owner.

(4) The Municipality shall be entitled to recover on a scale as between attorney and client, any legal fees incurred by it in the exercise of its powers and or functions under this section, and or as determined by a court of law.

(5) The Municipality shall, after obtaining a court order dispose advertising sign, advertisement, or advertising structure erected or displayed.

(6) Notwithstanding the provision of subsection (1); (2); (3); (4) and (5) above, municipality may remove or deface any advertising sign or structure without obtaining a court order, if the Municipality is of an opinion that:

(i) The structure is unsafe and posing danger to life and property.

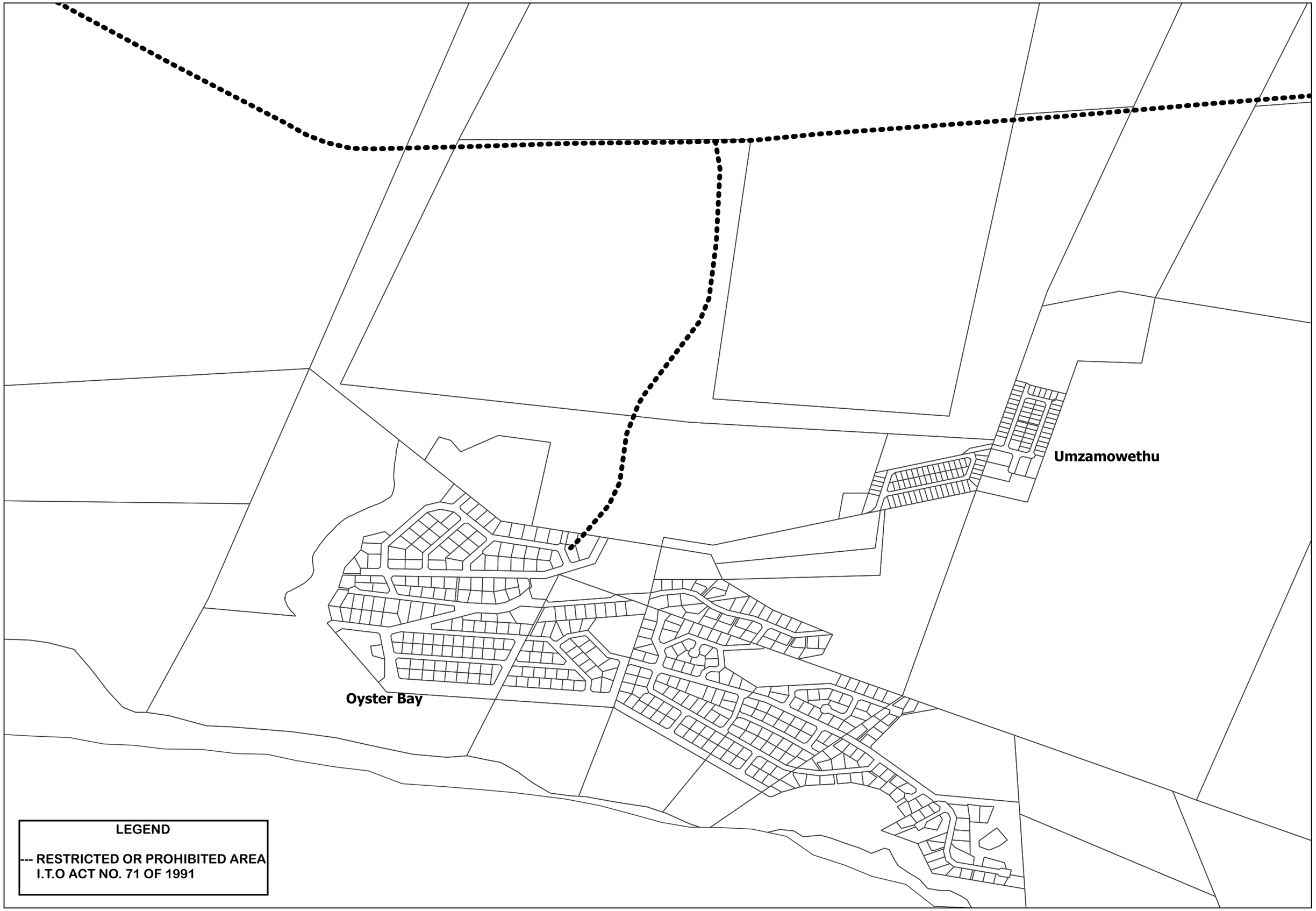
(ii) The advertising sign is obscene.

(iii) It is not in the interest of Council or community at large.

(iv) The sign or structure is prohibited in terms of section 51 above.

DISPOSAL OF SIGNS

If any advertising sign, advertising structure or advertisement has been removed and stored by Municipality for more than 3 months, and has not been claimed by the owner, Municipality shall dispose of the sign, structure or advertisement in terms of the relevant disposal process.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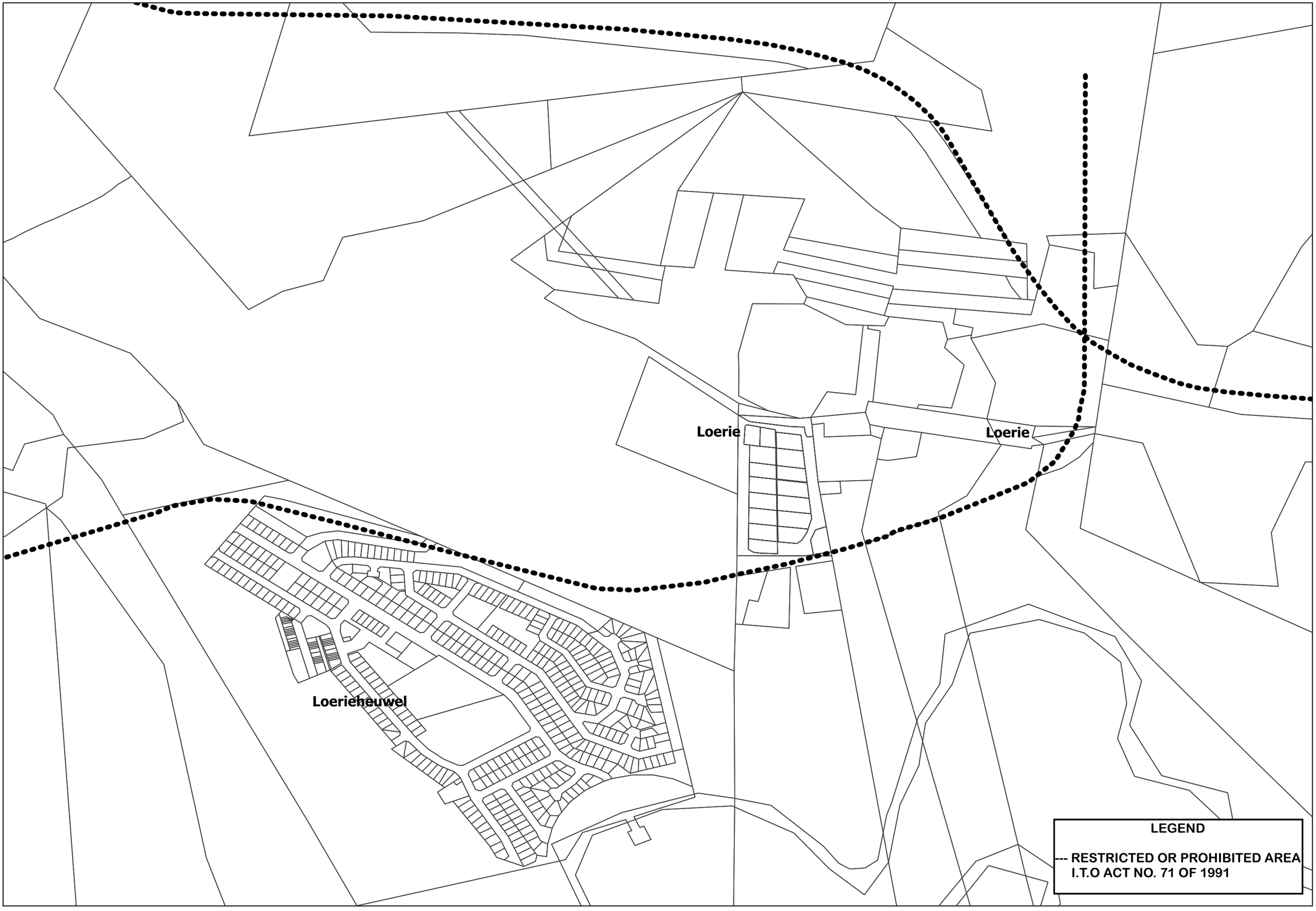
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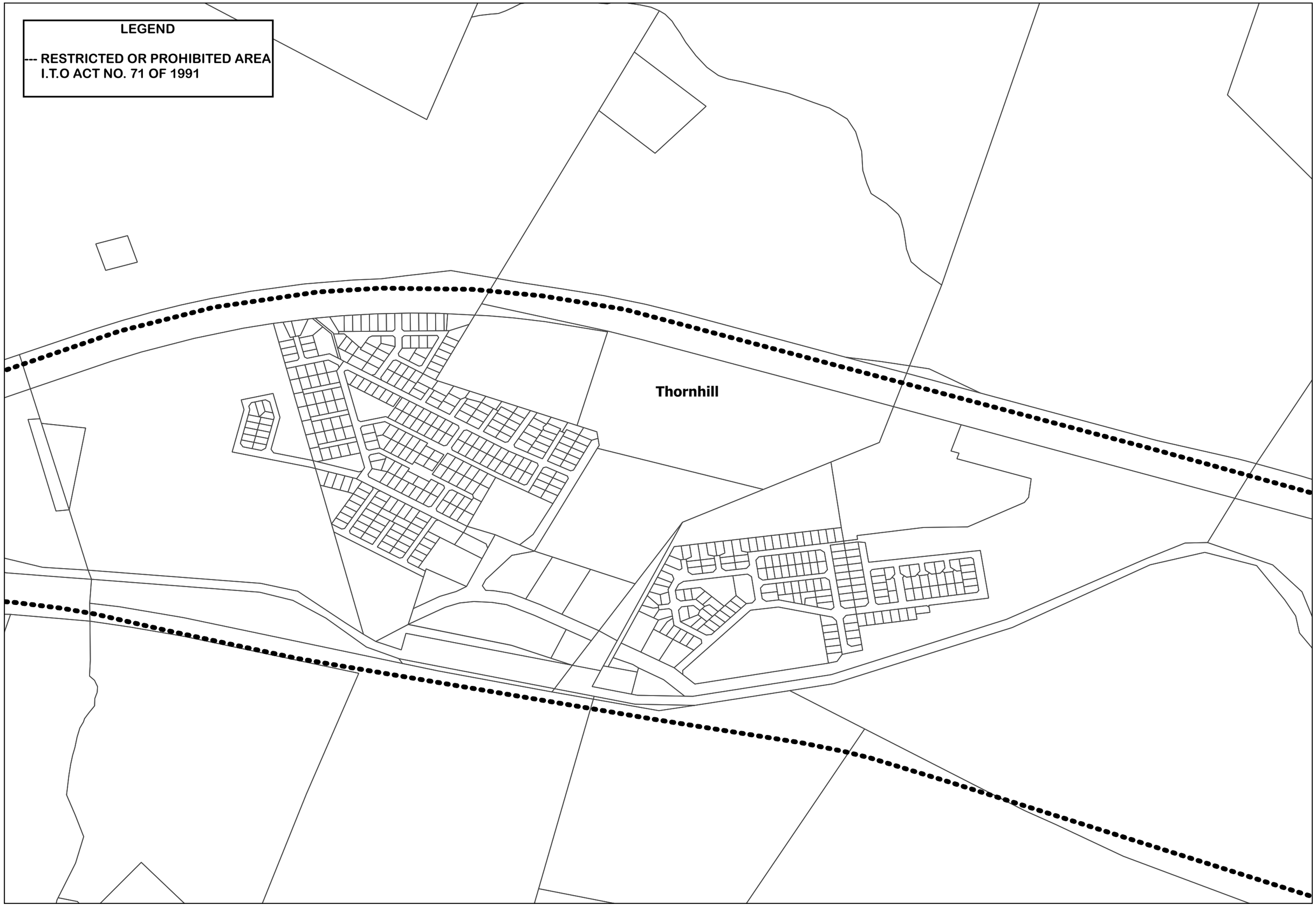
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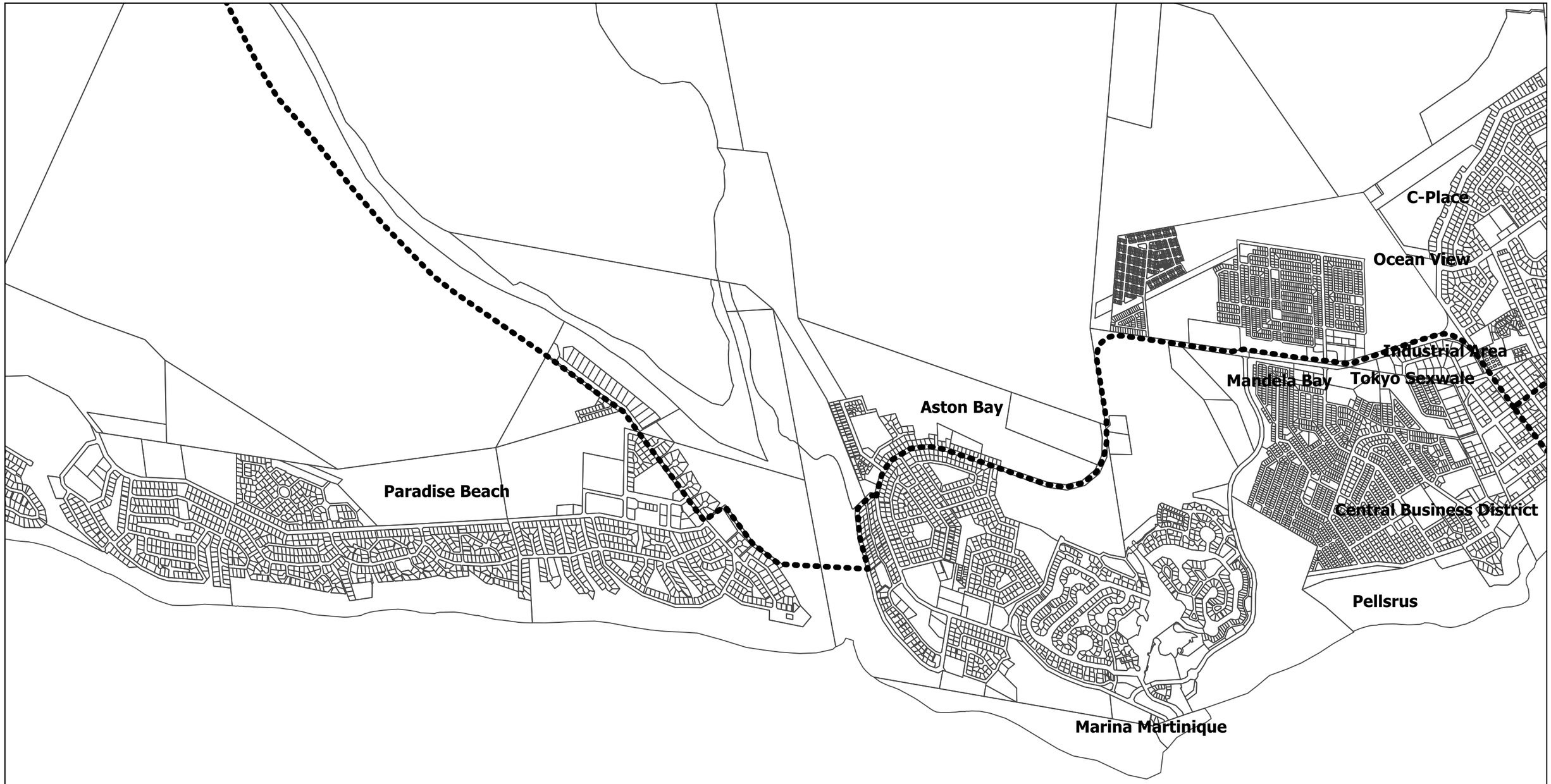

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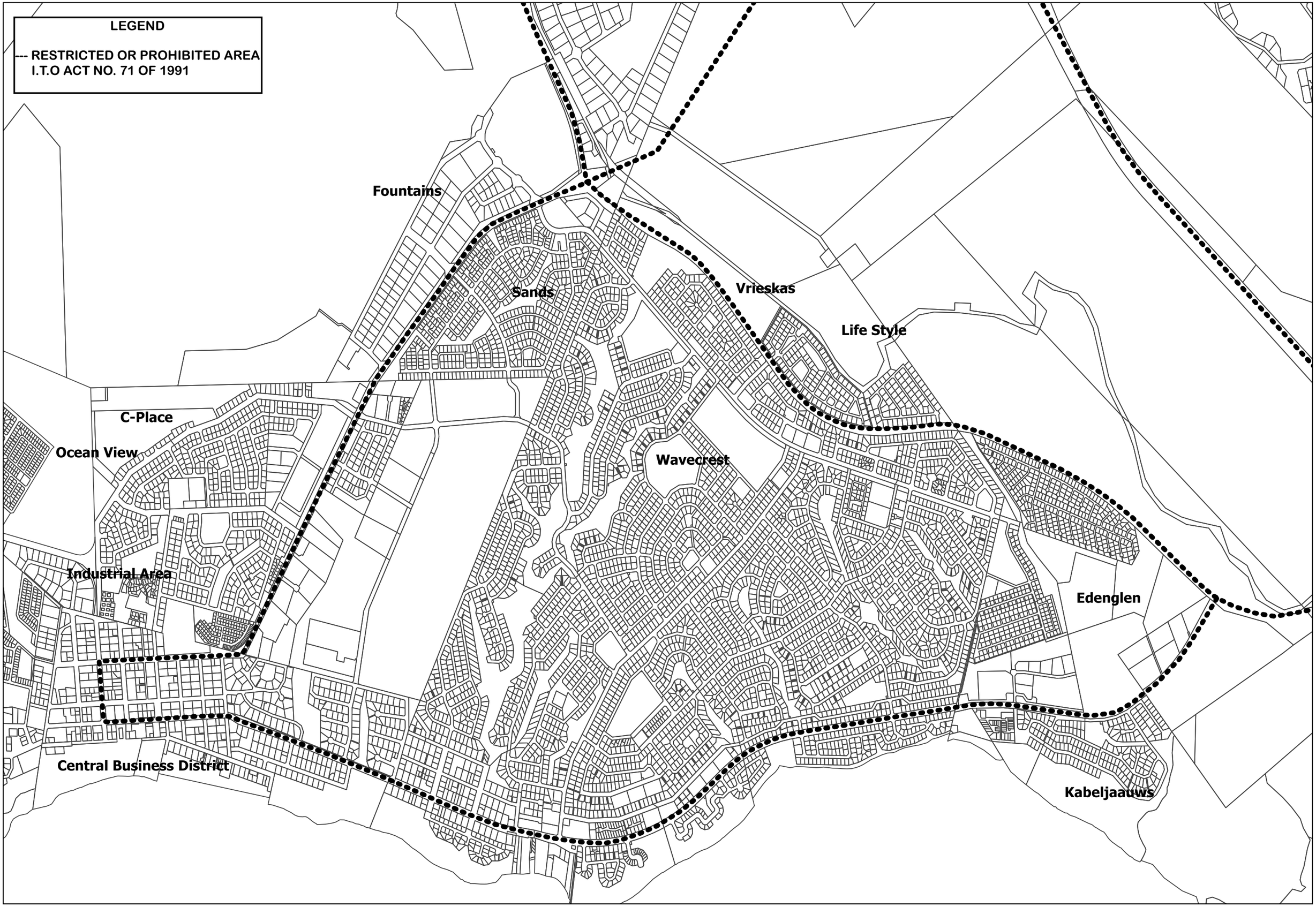
--- RESTRICTED OR PROHIBITED AREA
I.T.O ACT NO. 71 OF 1991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Edenglen
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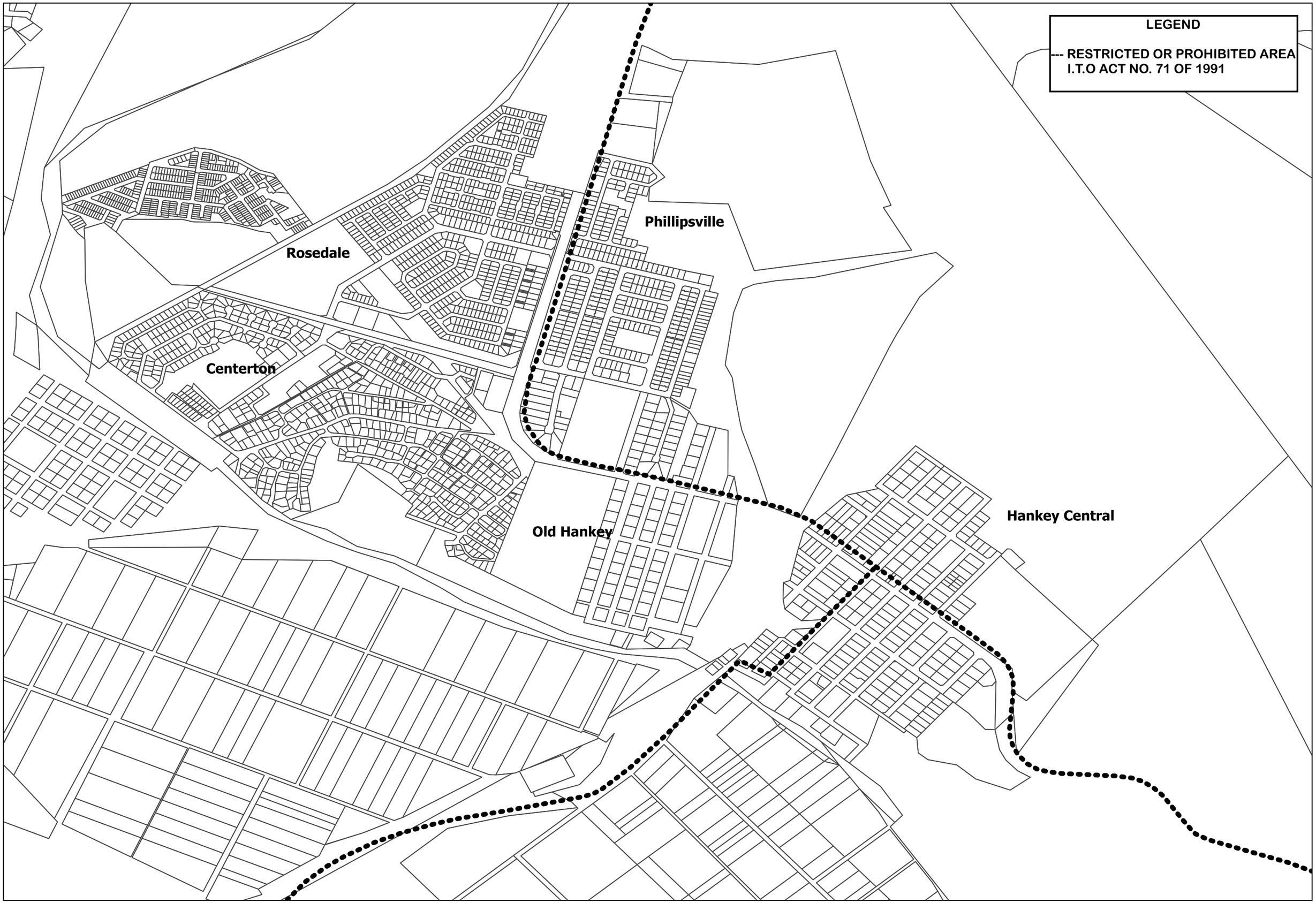
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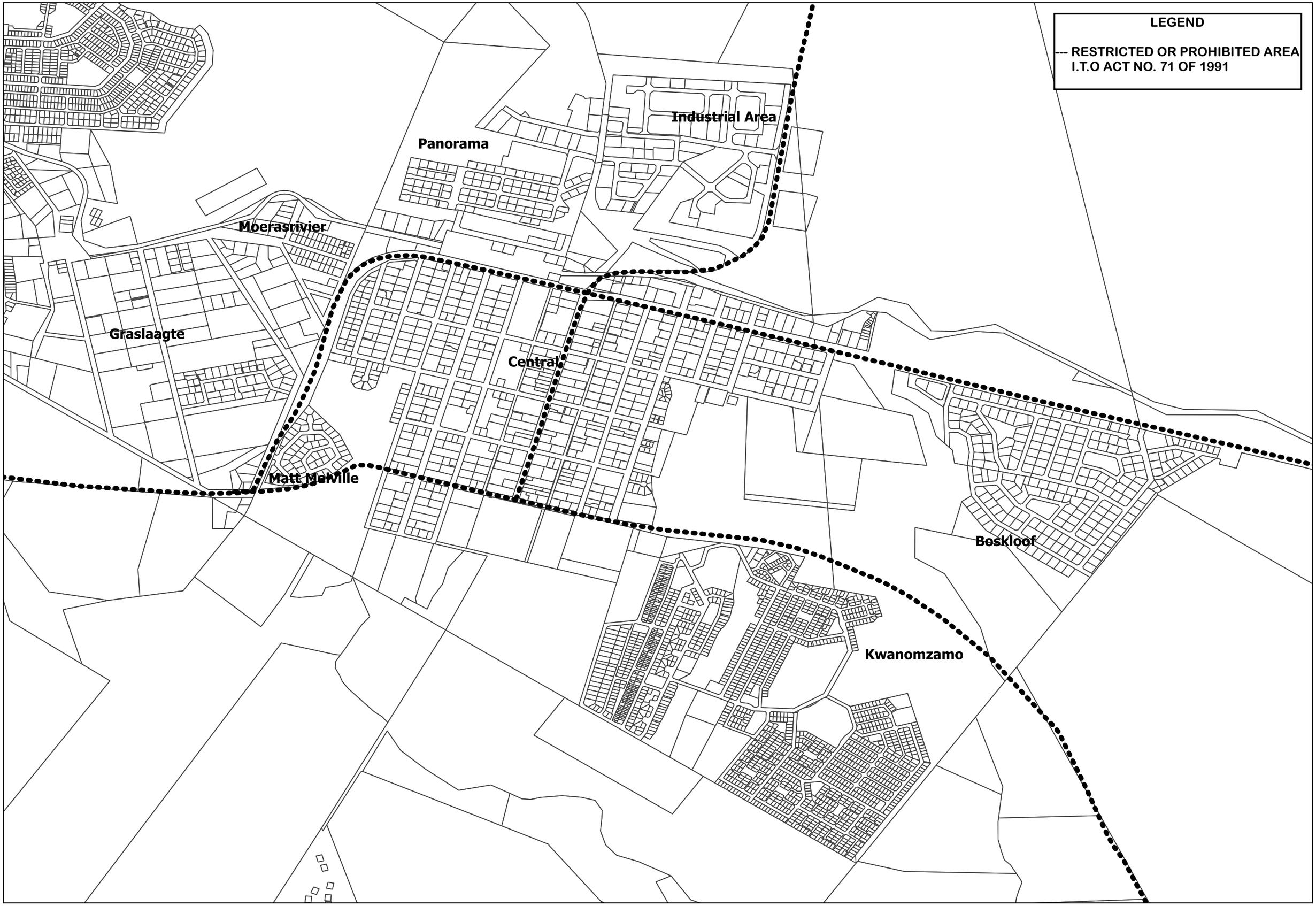
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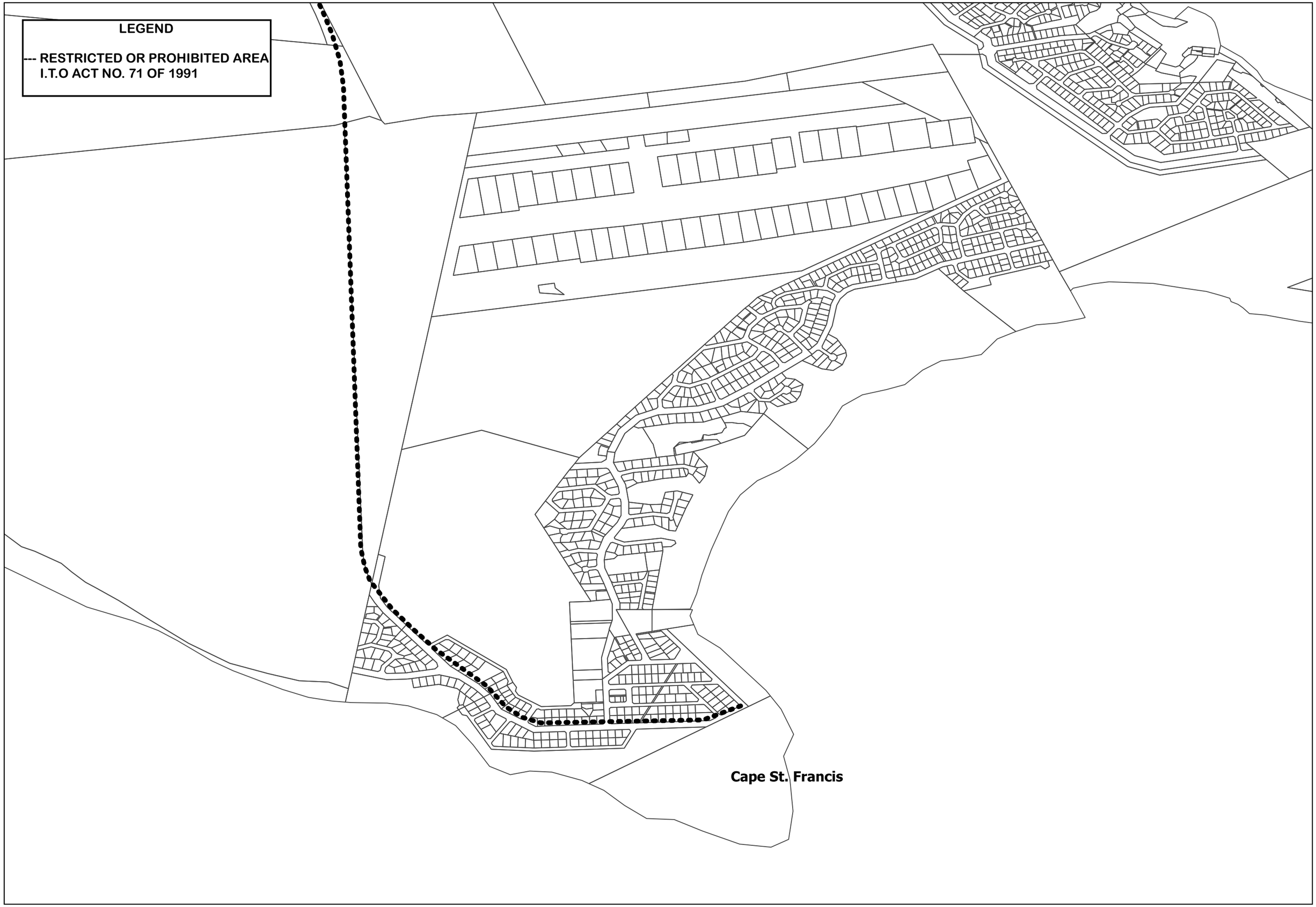
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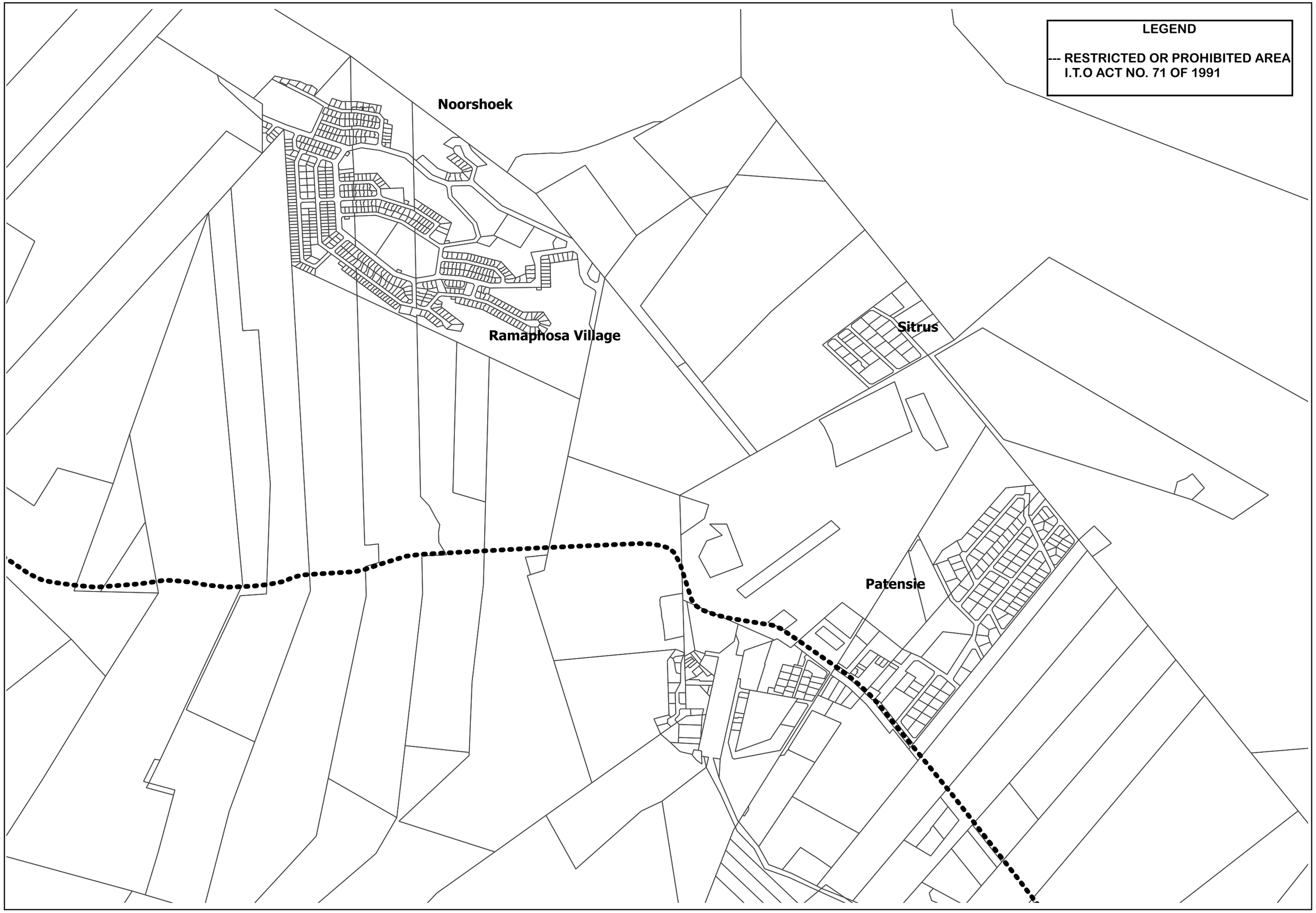
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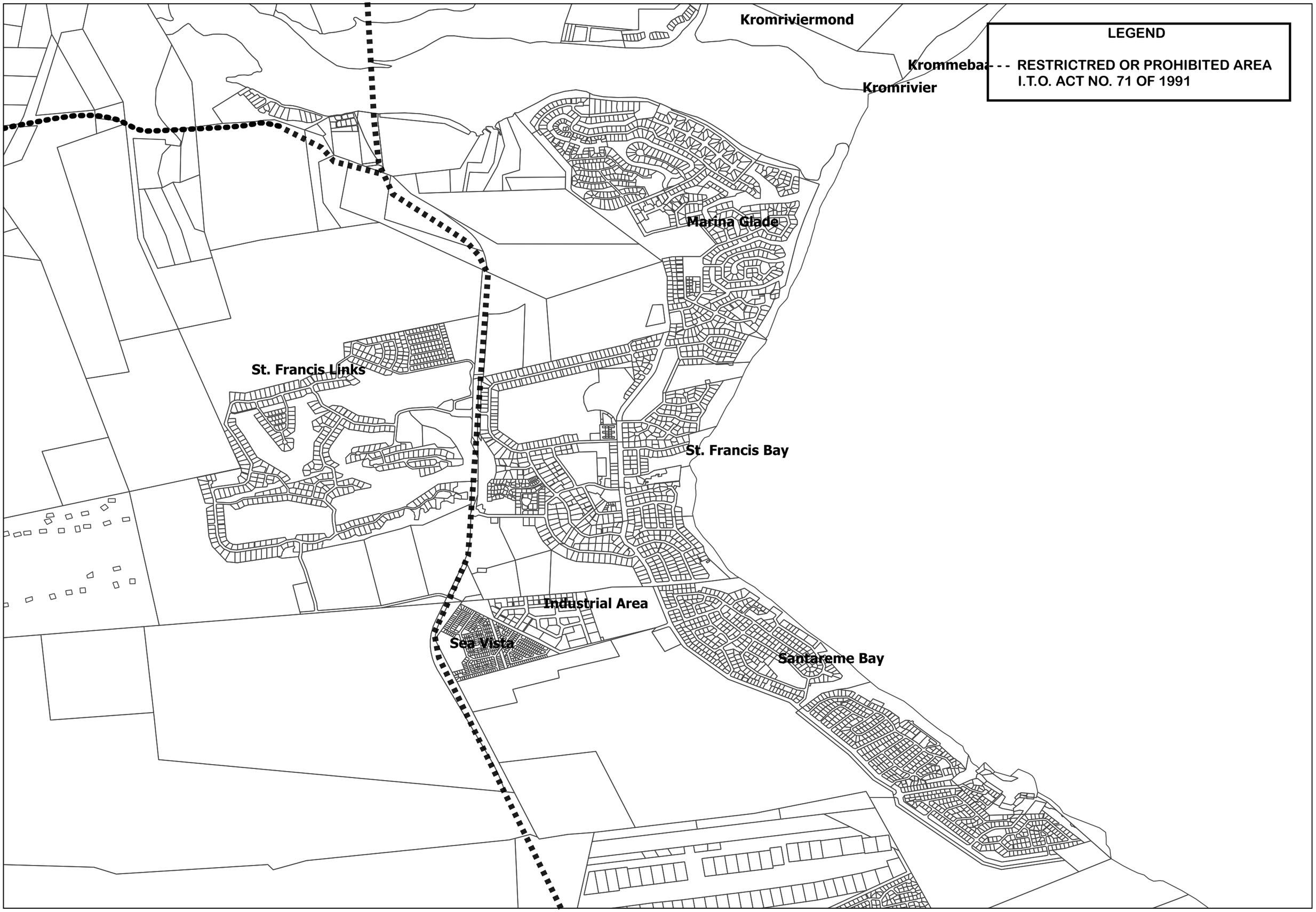
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I.T.O. ACT NO. 71 OF 1991
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Marina Glade
St. Francis Links
St. Francis Bay
Industrial Area
Sea Vista
Santareme Bay