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RUSTENBURG LOCAL MUNICIPALITY

OUTDOOR ADVERTISING BY-LAW

The Municipal Manager of the Rustenburg Local Municipality hereby, in terms of Section 13(a) of the Local Government Municipal Systems Act, publishes the reviewed Rustenburg Local Municipality Outdoor Advertising By-law, 1998, which is to be known as Rustenburg Local Municipality Outdoor Advertising By-law, 2018 as approved by its Council. This by-law repeals the Rustenburg Local Municipality Outdoor Advertising By-law, 1998.

Preamble

The quality of a lived experience of any person in an area depends on the visual, environmental, social and safety characteristics of that place. Tourism and economic development demand that visitors be provided with knowledge, directions and information of key sights and places that provide necessary services. This requires that adequate information on directions to places of interest be displayed appropriately, be easy to use and not detract from the safety of users and the aesthetics of the environment.

Control and management of outdoor advertisements, marketing products and other visual media is key to the sustainability of the environment, cleanliness, legal compliance and safety of residents and businesses. Municipalities are tasked with the function of managing outdoor advertisements, billboards and other media, to ensure that targeted users are protected always.

Application

The by-law shall apply to all the areas under the jurisdiction of the Municipality and any entity or person who wants to erect any sign or form of outdoor advertisement within the area under the Jurisdiction of the Rustenburg Municipality, should adhere to the requirements set out in the Municipality's By-laws.

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1. Definitions

The meaning of the terms in this by-law are presented in this section;

“advertisement” means a representation of a product, message, announcement in the form of a logo, picture, image, sign, art, figure, drawing, fliers, posters, lighting and any other designed graphic medium that is displayed on private property, municipal, regional, provincial or national roads and reserves; and viewed in a public space, to inform readers or the public of a product, entertainment event, message, business, enterprise, facility, person, headline news, activities related to public benefit projects, religious, educational, social, health, safety, security and government meetings; that is subject to the provisions of all applicable regulations, by-laws and other legislation;

“advertising sign” means an object that is used to depict an advertisement as defined above that is in the form of a structure, device, object, screen; affixed to a wall or fence; freestanding or in a fixed position; billboards, any device that is a three-dimensional depiction of a product; that is displayed on private property, municipal, regional, provincial or national roads and reserves; and viewed in a public place, that is subject to the provisions of all applicable regulations, by-laws and other legislation;

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

“advertise” means announce, broadcast, publicise, promote, market, present, make public, spread or inform

“approval (written)” means approval presented in writing by the administrator for the purposes of this by-law

“advertisement frame” means such frame as specified, and which is to be affixed to a lamppost to secure and display an advertising sign

“advertising sign” means outdoor advertising signs, Placards, boards, notices or posters displayed outdoors in advertising frames affixed to a lamppost wholly or partially

“advertising device” means any physical device used to display an advertisement, or which is a model of an advertised product

“advertising hoarding” means a screen, fence, wall, other structure in a fixed position to be used, or intended to be used, for posting, displaying or exhibiting any advertisement

“advertising structure” means any physical device used to display an advertisement, or which is an advertisement

“affix” means includes to paint onto, attach, fasten, stick or glue

“animation” means a process whereby an advertisement visibility or message is enhanced by means of moving units, flashing lights, simulation of motion or similar effects

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“aerial signs” means a sign in the form of an air balloon or a sign which the Rustenburg Local Municipality has authorised to be exhibited or displayed in the air by means of balloons, search lights, aeroplanes or any similar device or machine or method over any part of the area under the jurisdiction of the municipality

“aerial road” means a road which, in the opinion of the municipality, functions as a main carrier of traffic within an urban area

“backlight unit (backlit)” means an advertising structure which house illumination in a box to throw light through translucent advertising printed on plastic to heavy duty paper for a higher visibility and extended night viewing

“balcony” means a platform projecting from a wall, enclosed by a railing, balustrade or similar structure supported by columns or cantilevered out and accessible from an upper-floor door to window

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

“basic landscape sensitivity” means indicates the visual or aesthetic sensitivity of the landscape about outdoor advertisements and design in terms of three basic landscape types, which are, in order of sensitivity, natural, rural and urban landscapes

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

“bit of information” means a basic unit for measuring the length of advertising messages and may consist of letters, digits, symbols, logos or abbreviations

“blind” means a vertical screen attached to shop windows or verandas in order to keep sun and rain from shop front and sidewalks, and which may be rolled up when not in use.

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

“building” means any structure whatsoever with or without walls, having a roof or canopy and a normal means of ingress and egress under such roof or canopy

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

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

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“Bus Rapid Transit system” means the public transport system as approved by Council;

“bus shelter display” means posters positioned as an integral part of a free standing covered structure at a bus stop

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

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

“composite sign” means a sign linked to a standard background of a specific size similar to a poster board on which logos or other tourist related information can be attached

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

“copy” means the complete advertising message to be displayed on the advertising structure

“council” means the Rustenburg Local Municipality or its successor/s in-law or any officer employed by the Council or any committee designated by the Council, acting by a delegated authority vested in him/her or it by the Council in connection with the by-laws

“cut-outs” means letters, packages, figures or mechanical devices attached to the face of an outdoor sign, which might extend beyond the rectangular area for the greater attention value, can provide a three-dimensional effect and are also commonly known as add-ons or embellishments

“depth of a sign” means the vertical distance between the uppermost and lowest edges of such sign

“directional sign” means a type of guidance sign provided under the South African Road Traffic Sign System and used to indicate to the road user, the direction to be taken in order that they may reach their intended destination

“display of a sign” means includes the erection of any structure if such a structure is intended solely or primarily for the support of such sign; and the expression “to display a sign” shall have a corresponding meaning

“display period” means the exposure time during which the individual advertising message is on display

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“election” means either National, Provincial or Local Government elections and by-elections held from time to time

“election material” means advertisement or advertising device which is displayed or in any way visible and which is used in connection with any parliamentary, provincial or municipal election or by-election or referendum or any similar event

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

“façade” means the principal front or fronts of a building

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

- a national flag which does not carry any advertisement in addition to the
- design of the flag or flagstaff;
- a flag carried as part of a procession; and
- a flag which is not displayed on a flagstaff.

“flashing sign” means any illuminated sign with rhythmic, alternating intervals of light and dark that is visible to the public and meets the requirements of applicable regulations

“flat sign” means any sign which is affixed to or painted directly on a main wall and which at no point projects more than 250mm in front of the surface of such wall, but does not include a poster, provided, however, that a poster affixed to main wall shall

“free-way” means a road designated as freeway by means of road traffic sign or legislation

“free-standing sign” means any immobile sign which is not attached to a building or to any structure or object not intended to be used for the primary purpose of advertising

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

“gateway” means a prominent entrance to or exit from an urban area or a specific part of an urban area consisting of manmade or natural features and creating a strong sense of arrival or departure

“ground sign” means any sign detached from a building other than an aerial sign

“height of a sign” means the vertical distance between the uppermost and lowest edges of the sign

“human living environment” means all human settlements such as villages, towns or cities, which may consist of various components such as residential, employment and recreational areas and which require environmental management to provide services such as water, public spaces and waste removal and to protect the quality of the environment

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“illuminated” means an advertising structure which has been installed with electrical or other power to illuminate the message of such a sign

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

“inflated sign” means A hoarding erecting and maintained by means of air used for posting or displaying any advertisement

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

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

“locality-bound sign” means a sign displayed on a specific site, premises or building and which refers to an activity, product, service or attraction located, rendered or provided on the premises or site or inside that building

“location sign” means a type of guidance sign provided under the South African Road Traffic Sign System and used to identify places or locations, which either provide reassurance during a journey

“main roof of a building” means any roof of a building other than the roof of a veranda or balcony

“main wall of a building” means any external wall of such building, but shall not include a parapet wall balustrade or railing of a veranda or a balcony

“movable temporary sign” means a mobile, transit sign or advertisement attached to or displayed on a vehicle, vessel or craft on land, in water or in air

“municipality” means the Rustenburg Local Municipality, includes the Council of the Municipality, any duly authorised committee/s or employee/s thereof

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

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

“National Environmental Management Act” means the National Environmental Management Act, 1998 (Act No. 107 of 1998) and any regulations made there under

“National Road Traffic Act” means the National Road Traffic Act, 1996 (Act No. 93 of 1996), and any regulations made there under;

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“new sign” means any sign first displayed after the promulgation of these by-laws

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

- (a) a property other than a public place; or
- (b) a public street and adjacent to a property contemplated in paragraph (a), on which sign an advertisement is displayed, advertising any business, industry, service, activity or attraction taking place or public place, Provincial or National Road within the municipal area of jurisdiction

“owner” means any person receiving the rent or profits of such land or premises of such land or premises from a tenant or occupier thereof, or who would receive such rent or profits if such and or premises were let, whether on his own account or agent for any person entitled thereto or interested therein

“occupier” means any person occupying or tenant of any property by means of a lease agreement

“overall height of a sign” means the vertical distance between the uppermost edge of such sign and the level of the ground, footway or roadway immediately below such sign

“person” means in relation to the display or alteration of or the addition to a sign, or in relation to the intended or attempted display or alternation of, or additional to a sign, shall include the person at whose instance such sign is displayed, altered or added to, or at who instance such sign is intended or attempted to be displayed, altered or added to, as the case may be; and the person who or whose goods, products, services, activities, property or premises, is or are referred to in such sign shall be deemed to be such person unless he proves the contrary

“poster” means any placard or similar device attached to some fixed object whereby any advertisement or notice is publicly displayed

“projecting sign” means any sign which is affixed to a main wall and which at some point projects more than 250mm in front of the surface of such wall

“public place” means any public place as defined in Section 2 of the Local Government Ordinance 1939 (Ordinance No 17 of 1939)

“public road” means any road, street or thoroughfare or any other place which is commonly used by the public or any section thereof or to which the public or any such section thereof has a right of access, and includes:

- the verge of any such road, street or thoroughfare;
- the footpath, sidewalk or similar pedestrian portion of a road reserve;
- any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- any other work or object belonging to such road, street or thoroughfare, footpath or sidewalk; and
- any premises with or without structures thereon, used or set aside as a public parking area or public parking place for the parking of motor vehicles whether access or such a parking area or place is free of charge or not

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

“running light” means a portion of a sign in the form of an illuminated strip, the illumination of which varies periodically in such a way as to convey the impression of a pattern of lights moving steadily along such strip.

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

“road traffic sign” means any road traffic sign as defined in the Road Traffic Act, No. 93 of 1996, the detailed dimensions and applications of which are controlled by the regulations to this Act and the South African Road Traffic Signs Manual

“rotating sign” means a sign, which rotates about any axis

“sign” means any sign, signboard, screen, private lamp, blind or other device by means whereof any advertisement or notice is publicly displayed

“sky sign” means any sign that is fixed above the roof of a building other than a roof of a veranda or a balcony and shall include any such sign consisting of a single line of free standing, individual, cut-out, silhouette letters, symbol or emblems

“thickness of a projecting sign” means the horizontal dimension of such sign measured parallel to the plane of the wall to which such sign is affixed

“spectacular” means a custom-made billboard, which incorporates special effects such as internal illumination, cut-outs and a three-dimensional representation (advertising industry vocabulary)

“street” means any street, road or thoroughfare shown on the general plan of a township, agriculture holding or any other division of land or in respect of which the public have acquired a perspective or other right of way and which vests in the Council

“tariff” means the charges as determined from time to time by Council in terms of legislation authorising Council to determine charges

“temporary advertisement” means signs and advertisements which are usually displayed to publicise a forthcoming event or to advertise a short-term use of the advertisement site

“temporary sign” means a sign not permanently fixed and not intended to remain fixed in one position

“transit advertising” means vehicular advertising means all advertising on normally moving vehicles including taxis, buses, trailers, trams, vessels, etc.

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“tri-vision” means a display embellishment, which through use of a triangular louvre construction permits the display of three different copy messages in a predetermined sequence

“vehicular advertising signs” means any advertising sign displayed on a vehicle, purpose made for advertising or promoting goods, services, events and parked to be stationary at an approved site for a period longer than 30 (thirty) minutes

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

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

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

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

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

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

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

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

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

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

“street light pole advertising sign” means an advertising sign fixed to or erected on a street light pole which pole vests in the Council or its Municipal Owned Entity

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

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

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

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

“voter registration” means voter registration conducted by the Independent Electoral Commission established in terms of section 4 of the Independent Electoral Commission Act, 1993 (Act No. 15 of 1003), for any election

2. Application and responsibilities for this by-law

- (1) This by-law applies to all outdoor advertisements, billboards, directional signs and all other marketing media in the jurisdiction of Rustenburg Local Municipality
- (2) Applications must be lodged for all outdoor advertisements must comply with all the town planning and land use regulations of the municipality, irrespective of the type of advertisement, the zoning of the property and the objective of the advertisement
- (3) All applicants must ensure that their outdoor advertisements comply with provisions of all other applicable by-laws and regulations without exceptions

3. Pre- Conditions for all the Outdoor advertisements

- (1) All outdoor advertisements in the municipal area of jurisdiction must have written approval of the administrator, unless otherwise exempted in terms of the provisions of this by-law
- (2) All outdoor advertisements approved in terms of this by-law may not be altered, removed, defaced, damaged, upgraded, extended or re-erected without written approval of the administrator
- (3) The applicant must request prior written approval of the administrator, should there be a need for maintenance, upkeep, upgrade or re-erection

4. Process for applications

Applications for approval in terms of 3 (1) above, must be submitted in the prescribed form, completed with the following supplements:

- (1) An approved form signed by the owner of the advertisement or;
 - (a) A designate with a written consent of the owner of the advertisement
 - (b) An authorised agent of the building or property on which the advertisement will be erected
 - (c) A copy of the title deed of the property
 - (d) A zoning certificate of the property
 - (e) Proof of compliance with other applicable National legislation, such as
 - (i) National Road Traffic, Act No. 93 of 1996
 - (ii) National Environmental Management Biodiversity Act, No. 10 of 2004

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- (iii) National Building Regulations and Building Standards Amendment Act, No. 49 of 1995
 - (iv) Independent Electoral Commission Act, 1993 (Act No. 15 of 1993)
- (2) A prescribed fee as determined by the administrator
- (3) The area in which the advertisement will be erected, including
 - (a) The locality of the area
 - (b) The position of the advertisement
 - (c) The street and group of buildings adjacent to the position of the advertisement
 - (d) Indicate the distance from the street, servitudes, road reserves and position of property boundaries bordering the advertisement
 - (e) Indicate the distance of the proposed sign in relation to other advertisements that have already been erected in the vicinity
- (4) The designs, colours and dimensions of the advertisement that include;
 - (a) Artistic impressions of the advertisements
 - (b) Details of measurements of the advertisement
 - (c) Diagram of the building or property indicating the position of the advertisement
- (5) Any other information which the administrator deems necessary shall be submitted in writing

5. Exemptions, Amendments of Approvals and Withdrawals of Applications

- (1) The administrator may, at their discretion and showing just cause, exempt any application from any of the above requirements
- (2) The administrator may initiate an amendment to the application, in writing,
 - (a) To inform the applicant of shortcomings in the supplementary documents
 - (b) To request additional information to support an application
 - (c) To permit the applicant sufficient time, not exceeding 90 days, to correct any identified contravention of applicable regulations
 - (d) If at any time after approval the applicant contravenes any regulation and is found to have done so, the administrator may serve notice of withdrawal of the approval
 - (e) If the applicant fails to respond within the stipulated time, the administrator may withdraw the application and allow it to lapse without further notice
- (3) The administrator may refuse to accept an application:

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- (a) If the application does not meet any or all the requirements stipulated in paragraph 3.2 above
- (b) If the applicable legislation, regulations or supplementary information is not complied with and/or submitted within 90 days from the date of receiving the written request for such or the date determined by the administrator

6. General requirements, Exemptions and Prohibitions

1. General requirements for advertising signs

In addition to any other relevant factor, legislation, policy and by-laws, the municipality must have due regard to the following in the management and control of outdoor advertising: the type of landscape, type of sign and area of control. The type of sign will give an indication of the potential impact of such sign on the landscape. The basic character of the landscape in which the sign is displayed will affect to the degree of control and therefore the area of control to be applied to them as indicated on the attached schedules.

Part One

(1). Type of landscape

The proposed outdoor advertisement/ sign must be compatible and sensitive to the environmental character, landscape, surrounding amenities, neighbourhood design and streetscape. Such considerations inform the spatial classification and decisions on the suitability of any class of advertisement. Outdoor advertisements must therefore not cause harm to human activity, environmental harmony or contravene any of the applicable legislation.

- (a) In considering applications, care must be taken to ensure that:

The sign does not obstruct:

- (i) Legally erected traffic, civic or public benefit signs
- (ii) Natural or scenic features that are of interest historical, architectural, cultural or of interest to tourists

The sign does not impair:

- (i) The visual impact of zoned residential properties
- (ii) Movement of pedestrians and other users of the sidewalk

Part Two

(2) Type of sign

To lessen the complexity of outdoor advertisements and signs; and to determine the potential impact of signs on the environment, a sign should be classified into classes and sub-classes based on the following considerations:

- (i) The impact of the sign on the visual and social environment;
- (ii) The functional necessity of the sign;

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- (iii) The visual and the physical characteristic of the sign;
- (iv) The effect of the outdoor advertising on the road safety general

Part Three

(3) Areas of control

The administrator must exercise due consideration for the following three areas of control that are applied to the landscape types indicated below. A specific area of control must be applied to the whole landscape and/or a part of such landscape. The area of control applied will reflect the degree of control that is required to be applied to the landscape and such the sensitivity of that landscape that should be considered.

(a) Landscape sensitivity

In refining basic landscape sensitivity, the following three areas of control may be superimposed on the landscape types:

(i) Areas of maximum control

All natural and rural landscapes shall be defined as areas of maximum control with no other areas of control allowed owing to the sensitivity to visual disturbance. For example; natural/scenic, some urban and rural landscapes;

- protected areas,
- extensive agriculture,
- scenic areas,
- wilderness areas
- intensive and subsistence agriculture,
- rural smallholdings
- urban conservation areas
- passive recreation areas
- golf courses
- architectural
- cultural feature areas
- high and middle income residential areas
- gateways
- visual zones along urban freeways and
- high-speed volume arterials
- accident prone areas
- educational institutions

(ii) Areas of partial control

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Some urban landscapes may be defined in terms of all three areas of control owing to the varying nature and degree of sensitivity of the urban landscape and to the considerable demand of advertising in urban areas.

- high, medium, low density residential areas
- residential with offices and commercial encroachment
- sports fields and stadiums
- urban smallholdings
- high volume urban areas
- commercial ribbon development
- commercial enclaves in residential areas
- suburban shopping centres and office parks

(iii) Areas of minimum control

Other urban landscapes that have the following characteristics

- Central commercial districts
- Industrial areas or parks
- Entertainment districts
- Transport nodes
- Commercial enclaves and shopping centres in lower income suburbs

7. Principles for managing outdoor advertising

(1) Democracy and Equality

- (a) The democratic rights and responsibilities of every individual who is affected by outdoor advertising must be recognised and respected always
- (b) Decisions taken in the management and control of outdoor advertising must always ensure that all the affected enjoy equal treatment, benefit and protection from unfair discrimination

(2) Economic Development

- (a) The management and control of outdoor advertisement must consider the potential economic benefits that can be derived and enjoyed by society from opportunities in the value chain of outdoor advertising; like various skills required to conceptualise, manufacture, transport, erect and maintain outdoor advertisements
- (b) Enabling the realisation of benefits from the management of outdoor advertising to previously disadvantaged areas through identified opportunities

(3) Sustainability and Environmental Impact Assessment

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- (a) Implementing the function in a coordinated manner that ensures sustainable use of resources and is protective of the potential impact on bio-diversity, built environment, cultural and heritage areas
 - (b) Consideration and mitigation of the potential benefits and negative impacts of outdoor advertising on the natural and built environment
 - (c) Ensuring that the social benefits of outdoor advertising outweigh the costs
 - (d) Protecting not only the rights of the applicants and neighbours, but of all community members in the management and control of outdoor advertising
 - (e) Considering, assessing and evaluating the social, economic and environmental impacts of outdoor advertisements and signs, including disadvantages and benefits, resulting in appropriate decisions in the light of such consideration and assessment.
- (4) Public Participation and Transparency
 - (a) The involvement and inclusion of local communities and all other interested and affected parties (I&AP's) in the planning and decision-making process from the very beginning of the process.
 - (b) Taking the needs, interests and values of all I&AP's into consideration.
 - (c) A fair and transparent process. Decisions should be made in the public domain – no decision should be made behind closed doors. All I&AP's should have a right to access information.
 - (d) The creation of accessible participatory structures and the empowerment of stakeholders to participate effectively.
- (5) Efficiency and Co-governance
 - (a) Producing the desired results with the minimum expenditure of resources.
 - (b) Ensuring effective institutional arrangements and operations by coordinating and integrating the resources, policies, legislation and initiatives of all authorities responsible for outdoor advertising control, land use planning and environmental management at different spheres of government.
 - (c) Promoting partnerships between government, the private sector and civil society to ensure co-responsibility for the management of the perceptual environment.
 - (d) Ensuring a uniform management procedure for the whole country and aligning outdoor advertising management with other relevant land use and environmental procedures.
- (6) Integrated Planning
 - (a) Following a holistic approach by taking the interaction between people and the perceptual environment and the interrelationship between all sign types and other visual elements into consideration.
 - (b) Integrating and coordinating all needs, perceptions and inputs of all I&AP's and disciplines to obtain maximum consensus.

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8. General Conditions for control of outdoor advertisements

All advertising signs must satisfy the following prior to approval:

(1) Amenity and Decency

No sign shall:

- (a) Be detrimental to the environment or to the amenity of a human living environment by reason of the size, shape, colour, texture and intensity of illumination, quality of design or materials or for any other reason;
- (b) Be in its contents and objectionable, indecent or suggestive of indecency or prejudicial to the morals; or
- (c) Unreasonably obscure, partially or wholly, any sign of owned by another person previously erected and legally displayed.

(2) Safety

No advertisement or advertising structure shall, in the opinion of the municipality:

- (a) Constitute a danger to any person or property;
- (b) Be placed or contain an element, which distracts the attention of drivers in a manner likely to lead to unsafe driving conditions;
- (c) Be illuminated as to the extent that it causes discomfort, to or inhibits of the vision of approaching pedestrians or drivers;
- (d) Be attached to a road traffic sign or signal (excluding street name signs and suburban name signs), combined with a road traffic sign or signal (unless specifically provided for in the South African Road Traffic Signs Manual), obscure a road traffic sign or signal, create confusion with a road traffic sign or signal, interfere with the functioning of a road traffic sign or signal or create a road safety hazard in the opinion of the roads authority;
- (e) Obscure a pedestrian's or driver's view of pedestrians, the road or rail vehicles and features of the road, railway or pavement such as junctions, bends and changes in width;
- (f) Projecting over a sidewalk or pedestrian circulation route; unless the clear height of such a sign exceeds 2,4m, and for a cycle circulation road a clear height of 3 (three) meters;

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- (g) Obstruct any fire escape or the means of egress to fire escape or obstruct or interfere with any window opening required for ventilation purposes; or
- (h) Exceed the minimum clearance with regard to overhead power lines as prescribed in Regulation 15 of the Electrical Machinery Regulations (No. R 1593 in GG 11458 OF 12 August 1988) (Permission must be obtained from development supply authority before any advertising structure may be erected in a power line servitude);
- (i) Contain any surfaces covered with the retro-reflective material and/or paint;
- (j) Resemble a formal road traffic sign in colour, shape or general appearance;
- (k) Be closer than 25 (twenty-five) metres from a formal road traffic sign, if located within the road reserve;
- (l) Signs or advertisements positioned along roads and specifically targeting the road user shall be concise and legible and shall comply with the following requirements:
 - (i) No signs of displaying a single advertisement or a message shall exceed 15 “bits” of information;
 - (ii) No combination sign or any other sign displaying more than 1(one) advertisement message shall contain more than 6 “bits” of information per enterprise, service or property or per individual advertisement of message displayed on a combination sign. “Bit” values shall be calculated as follows:
 - Words of up to 8 letters, inclusive: 1 (one) “bit”
 - Numbers of up to 4 digits, inclusive: 0,5 “bit”
 - Numbers of 5 to 8 digits: 1 “bit”
 - Symbol, logo or the variation colon: 0,5 “bit”
- (m) Street numbers indicating specific premises shall have a maximum size of 150 mm and a maximum size of 350 mm.
- (n) The minimum letter size to be used on advertising signs inside road reserves shall be 80mm.
- (o) No message shall be spread across more than one sign or sign panel;

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- (p) No sign may be erected unless it complies with the following underlying safety philosophy:
 - (i) A pedestrian may walk into, fall over, or hit his/her head against an advertisement or its supporting structure;
 - (ii) It can be mistaken as a formal road traffic sign, compete with formal road traffic signs for attention of motorist;
 - (iii) Reduces the visibility of road traffic signs, either traffic or pedestrians inside the road reserves;
 - (iv) It causes motorist to decelerate or execute any other unexpected driving manoeuvre that may result in vehicular conflict.

(3) Design and Construction

Any sign approved by the municipality should be so designed and displayed such that it:

- (a) Shall, be constructed, executed and finished in a neat and proper manner;
- (b) Shall not be detrimental to or have a negative aesthetic impact of the urban design, streetscape or the character of the surrounding area by way of the design of the structure or device;
- (c) Shall have a neat appearance, consist of durable materials in accordance with the functions, nature and permanence of the advertisement, sign or structure and material such as cloth, canvas, cardboard, paper or synthetic cardboard should be used only when essential to the nature and function of a particular sign;
- (d) Shall have a neat appearance in terms of the advertisement contents and sign writing while untidy written messages should be avoided as far as possible;
- (e) Shall not deface building facades with electrical services provisions and other accessories;
- (f) Shall be rigidly and securely attached, supported or anchored in a safe manner and so that unwanted movement in any direction is prevented;
- (g) Shall be capable of effectively securing, supporting and maintaining not less than twice its mass with the addition of any force to which the sign may be subjected to, including wind pressure;

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- (h) Shall wherever necessary in accordance with the nature of the sign and when attached to brickwork, masonry or concrete, be securely embedded in such brickwork, masonry or concrete or passing through the same and secured on the opposite side;
 - (i) Shall, when attached to conservation-worthy buildings be attached with the necessary expert advice to prevent damage to such buildings;
 - (j) Shall not be detrimental to the environment or to the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or materials or for any other reason;
 - (k) Shall not constitute a danger to any person or property;
 - (l) Shall not display any material which is indecent, suggestive of indecency, prejudicial to public morals or objectionable, or
 - (m) Shall not obliterate any other signs;
 - (n) Shall not in the opinion of the council, be unsightly or detrimentally impact upon sound architectural design;
 - (o) Should not in any way impair the visibility of any road traffic sign or the safety of a motorist;
 - (p) Shall in size, location and its alignment in relation to any existing sign on the same building or erf, be compatible with the visual character of the area surrounding it;
 - (q) Should be appropriate to the type of activity to which it pertains.
- (4) Any advertiser or contractor
- (a) Shall not use water soluble adhesive, adhesive tape or similar materials to display or secure any sign or advertisement elsewhere than on a billboard, board or any structure provided for this purpose;
 - (b) Shall have all exposed metalwork of any sign painted or otherwise treated to prevent corrosion and all timber dated to prevent decay; and
 - (c) Shall have measures taken to prevent the entry of water into and the accumulation of water or moisture or in any sign or any part of the supporting framework, brackets or other panels;

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(5) Power Cables and Conduits to Advertising Signs

- (a) Advertising signs that require electricity supply for illumination, backlights or other lighting must receive approval of the administrator
- (b) Installations that require electrification must comply with other applicable regulations

(6) Exempt Advertising Signs and Advertisements

The following signs are exempt from the provisions of this policy:

- (a) Any sign displayed inside a sports stadium, which is not visible from outside the stadium;
- (b) Any sign which is displayed inside a building at a distance of more than 1 (one) metre from any window or other external opening through which it may be seen from outside the building and which is not aimed primarily at attracting the attention of the road user;
- (c) Any national flag hoisted on a suitable flag pole as long as nothing is added to the design of the flag and no advertising material is added to the flagpole;
- (d) A sign which is displayed by the municipality and any other government department;
- (e) Any sign displayed on an approved advertising hoarding, which complies with other relevant requirements of this policy; and
- (f) Any banner or flag carried through the streets as part of a procession.
- (g) Any sign displayed in an arcade and is not visible from the street.
- (h) A price ticket smaller than 0.01 square metre on an item displayed in a shop window.
- (i) Any handheld leaflets which are distributed on private land or in private parking lots.

(7) Prohibited Advertising Signs

- (a) Any sign type not covered by the policy and the by-laws shall be regarded as an illegal sign unless specific consent of the municipality has been obtained.
- (b) No person shall erect or display any the following signs or cause or allow any such sign to be erected or displayed or such action to be carried out:

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- (c) Any sign painted on, attached to, or fixed between the columns or posts of a veranda;
- (d) Any sign which will obscure a road traffic sign or signal, or which may be mistaken for a cause of confusion with or interfere with the functioning of the road traffic sign or signal;
- (e) Any sign, which will obstruct any window or opening provided for the ventilation of any building or which obstructs any stairway or doorway or other means of exit from a building or which will prevent the movement or persons from one part of a roof to another part thereof;
- (f) Any animated or flashing sign, the frequency or the animations or flashes or other intermittent alterations of which disturbs the residents or occupants of any building or is a source of nuisance to the public;
- (g) Any illuminated sign, the illumination of which disturbs the residents or occupants of any building, or is a source of nuisance to the public;
- (h) Any swinging sign, which is not rigidly and permanently fixed;
- (i) Any sign displayed on land not in accordance with the relevant zoning or approved consent use as per the applicable Land Use Management Scheme;
- (j) Any advertisement or sign other than an exempted sign, for which neither a permit nor approval has been obtained;
- (k) Any sign painted on a boundary wall or fence in residential and rural area;
- (l) Any advertising sign, which, in the opinion of the municipality, is suggestive of anything indecent or may prejudice the public morals;
- (m) Any sign, which relates to a business, which is conducted on an erf, or land, which is not zoned for that specific purpose;
- (n) Any advertisement, which relates to cigarettes or other tobacco products on Council property;
- (o) Any poster pasted onto supporting columns, walls, pillars or any poster pasted otherwise than on a hoarding legally erected for accommodating such poster;
- (p) The distribution of pamphlets at road intersections;
- (q) Any permanent sign of which the maximum display period has expired;
- (r) Advertisements that cannot be classified in full into one of the recognised advertising classes;
- (s) Any advertisement inside a road reserve, which contains or does not contain retro-reflective material unless approval has been obtained.
- (t) Any suspended sign which is fixed across a street, except at locations in which the Municipality has approved such locations.
- (u) Handheld leaflets distributed at a public road or from a public area.

(8) Damage to property

- (a) No person shall, during the process of erecting or removing any sign, advertisement structure or device, cause damage to any tree, electrical standard or service or other public installation or property.

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(9) Maintenance of Approved Advertising Signs must:

- (a) Should, where possible, be located at a height that discourages vandalism;
- (b) Shall be inspected and serviced on a regular basis, and
- (c) Shall be maintained in good repair, in a safe condition, and in according to the highest standards as regards quality of structures, posting and sign writing;
- (d) The owner of any land or building on which the sign is displayed or erected, to which a sign is attached, and the owner of any such signs shall be jointly and severally responsible for the maintenance in a safe and proper condition and for the cleaning and the painting of any such sign.

(10) Removal of all categories of Advertising Signs

- (a) If, in the opinion of the municipality, any sign is in a dangerous or unsafe condition or has been allowed to fall into a state of disrepair or interferes with the functioning of any road traffic sign, the administrator may serve a notice on the owner; requiring him at his own cost, to remove the sign or do other work specified in the notice within a period so specified.
- (b) The municipality may, if in its opinion an emergency exists; instead of serving notice or if such notice has not been complied with within the period specified therein, carry out the removal of a sign or do other work which it may deem necessary and may recover the costs thereof from the owners, jointly and severally.
- (c) If any sign or advertising board is displayed so that it is, in the opinion of the municipality, detrimental to the environment or to the amenities of the neighbourhood, or otherwise in contravention of the by-laws, the municipality may serve a notice on or may instruct the owner of the sign or advertising hoarding to remove such sign or advertising board or carry out such alteration thereto or do such other work as may be specified by the relevant official of the municipality within a specified time.
- (d) If a person fails to comply with a request as stated in the preceding paragraph the municipality may remove such sign or advertising board.
- (e) Temporary advertising signs that have been approved for a limited period must be removed within 3 (three) days after the approval has lapsed. In the case of trailer advertisements, the trailer must be removed on the last day of the approval period.

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- (f) The municipality shall, in removing a sign or board, not be required to compensate any person in perspective of such sign or advertising hoarding, in any way for loss or damage resulting from its removal.
- (g) Any cost incurred by the municipality in removing a willingness sign or advertising board, or in doing alterations or other works in terms of this policy will be recovered from the owner and if a deposit has been paid in respect of such a sign or board, the costs of may be deducted from the deposit.
- (h) Notwithstanding the above stated provisions, the municipality itself shall, without serving notice, carry out the removal of such a sign or advertising board.
- (i) Municipality shall charge an impounding fee for such signs that were removed in term of this section as determined by Council and as stated in the by-laws.
- (j) An impounding fee mentioned above shall be payable to the municipality per sign and per working wee (Monday to Friday) or part of the week.
- (k) The municipality shall destroy such signs that were removed in terms of this section, within 3 (three) weeks after such removal, should the owner of such a sign fail to claim such a sign or pay the poundage fee as stated.
- (l) The actual expense the municipality incurred during the removal of the signs in terms of this sub-section shall be payable by the owner of such signs to the municipality.

(11) Positioning of Advertising signs: Exemptions, Exclusions and Prohibited placement. Approved Advertising signs:

- (a) Shall not be positioned on a road island or median with the exception of street name advertisements
- (b) Shall not be suspended across the road with the exception of signs permitted on bridges across certain rural and urban roads other than freeways as well as banners suspended across urban roads other than freeways and as part of a streetscaping projects.
- (c) Shall not be erected with or suspended above a road reserve or within the limited use area outside the use road reserve boundary of freeways, with the following exceptions which may be allowed within all road reserves:
 - i) Sponsored road traffic projects
 - ii) Service facility signs

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- iii) Tourism signs
- iv) Vehicular advertising
- (d) Project boards that concern the road constructions may be allowed within all road reserves.
- (e) Project board that do not concern road construction may be allowed in the actual development site only.
- (f) That with the consent of the municipality, the under-mentioned may be allowed within all the open road reserves other than freeways:
 - (i) Large posters and advertisements on street furniture
 - (ii) Banners and flags
 - (iii) Suburban advertisements
 - (iv) Projecting signs
 - (v) Verandas, balcony canopy and under awning signs,
 - (vi) Functional advertisements by public bodies.
- (g) Pavement posters and notices, street name advertisements as well as signs on bridges, towers and pylons may be allowed within road reserves are better than freeways but only in areas of minimum or partial control.
- (h) Neighbourhood Watch and similar Council supported schemes signs may be allowed within road reserves other than freeways in urban, rural and natural environments.
- (i) Flat signs, projecting signs, veranda, balcony, canopy and under-awning signs may be allowed within the limited use area along freeways if the main building that is housing an enterprise is within 50 (fifty) metres from the road reserve boundary of the freeway and if there is no other appropriate means of indicating that particular enterprise facing another public road carrying through passing traffic.

Shall not be permitted within a restricted area at a rural and urban street corners with the exception of the following sign types:

- (i) Temporary window signs;
- (ii) Street name advertisements;

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- (iii) Flat signs,
- (iv) Projecting signs;
- (v) Veranda, balcony, canopy and under-awnings;
- (vi) Window signs;
- (vii) Signs incorporating into the fabric of a building.

- (j) Illuminated signs allowed within restricted areas at signalised street corners shall have a clear height of at least 6 (six) metres if such a sign contained the colours red, green or amber.

(12) Illumination

The creation, assembly and display of illuminated signs is permitted on condition they comply with the following

- (a) The following maximum luminance levels per square metre are applicable for all classes of advertisements where illumination is permitted:

Area	Luminance
Less than 0,5m ²	1000 candela / m ²
0,5 m ² < 2m ²	800 candela / m ²
2 m ² < 10m ²	600 candela / m ²
10 m ² or more	400 candela / m ²

- (b) The light source emanating from floodlights shall not be visible to traffic travelling in either direction.
- (c) Floodlight shall be by a position to ensuring effective distribution and minimise light wastage.
- (d) In respect of urban freeways, irrespective of the area control, the under mentioned signs may not be illuminated in any way unless overhead lighting lights the freeway; over the full distance within which the advertising signs use is visible from the freeway:
 - (i) Super billboards
 - (ii) Custom made billboards
 - (iii) Large billboards
 - (iv) Small billboards and tower structures

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- (v) Sub-urban advertisements
 - (vi) Temporary advertisements
 - (vii) Product replicas and 3 (three) dimensional signs
 - (viii) Flat signs
 - (ix) Roof signs
 - (x) Signs painted on walls and roofs
 - (xi) Signs incorporated in the fabric of a building
 - (xii) Signs on towers, bridges and pylons
 - (xiii) Advertisements on construction site boundary walls and fences
 - (xiv) Aerial signs
 - (xv) Trailer advertising.
- (e) Approved illuminated signs shall be wired and constructed in accordance with and subject to the provisions of the electricity supply by-laws
 - (f) The illuminated advertising sign shall not be connected to any electricity supply without the prior written permission of the relevant electricity supply authority. Such proof of permission shall be submitted if requested;
 - (g) The illuminated advertising sign shall be provided with an external switch in an accessible position and if needed as directed by the Chief Emergency Services, and at a height of at least three metres from the ground whereby the electricity supply to the sign may be switched off
 - (h) An electronic advertisement may not inhibit the view of or cause discomfort to a driver or pedestrian or be in the direct line of sight of a traffic light.
- (13) Sign classification and provisions relating to specific advertising signs**

To regulate, control and manage outdoor advertising within the area, the following aspects must be classified being the type of landscape, type of sign and area of control. The type of sign will give an indication of the potential impact of such sign on the landscape. The basic character of the landscape in

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which the sign is displayed will affect to the degree of control and therefore the area of control to be applied to them as indicated on the attached schedules.

Class 1: Billboards

This class consists of free-standing advertising structures which have a very high visual and traffic safety impact owing to their sheer size and proximity to higher order roads. Artistically designed billboard structures may make a more positive contribution to the visual environment. The main function of this class is to advertise non-locality-bound products, activities and services.

- (a) Gantry billboards
- (b) Large billboards
- (c) Medium billboards
- (d) Small billboards

Class 2: Signs on buildings and structures

Signs in this class are attached to or painted on buildings which are used or partly used for commercial, office, industrial or entertainment purposes with only one or two possible exceptions. Also included in this class are signs attached to larger structures not primarily erected for displaying advertisements such as pylons, towers and bridges. The aesthetic and traffic safety impact of these signs vary from high to relatively low.

- (a) Sky signs
- (b) Roof signs
- (c) Wall signs
- (d) Signs and Murals painted on walls and roofs
- (e) Signs incorporated in the fabric of the building
- (f) Projecting signs
- (g) Veranda, Balcony and Under Awning signs
- (h) Advertisements on Towers, Bridges and Pylons

Class 3: Signs on Premises and Miscellaneous signs

Signs in this class consist mainly of free-standing, locality-bound, on-premises signs and advertising structures directly linked to enterprises, residential functions or community services in the urban, rural and natural environments. Closely associated with these free-standing signs is a variety of locality bound signs which may be attached to non-advertising structures such as:

- (1) Boundary walls and entrance gates
- (2) Residential and community oriented buildings.

Most signs in Class 3 are relatively small in size with combination or stack sign structures at shopping centres and industrial estates the only exception in this regard. The main impact

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of signs in this class can be attributed to unattractive structures and a tendency to proliferate and to encroach on the road.

- (a) On-Premises Business signs in Urban Areas
- (b) Miscellaneous Signs for Urban Residential Oriented Land Use and Community Services
- (c) Signs for Agricultural and Related Land Use in Rural and Natural Areas

Class 4: Signs for pedestrian environments and streetscaping

Signs in this class are limited exclusively to pedestrian environments with only a few exceptions. Due to a more intimate advertising environment and the involvement of street and advertising furniture this class lends itself to artistic expression and an enhancement of local character or sense of place.

- (1) Street furniture and Large Posters
- (2) Forecourt signs

Class 5: Signs for the tourist and traveller

This class includes a variety of signs aimed at the tourist and traveller – from signs at filling stations to information panels at tourist attractions. Apart from providing valuable information to the tourist and traveller some of these signs may also contribute to local character if treated correctly.

Signs in this class differ in size and impact from huge stack signs identifying roadside service areas to small advertisements on petrol pumps or identification signs indicating the name of tourist attractions.

- (1) Service Facility signs
- (2) Road Traffic Project signs
- (3) Tourism Information signs
- (4) Gateway signs

Class 6: Mobile signs

This class contains signs attached to vehicles on land, water and in the air. Also included are signs carried by pedestrians for the purpose of advertising. It may be assumed that mobile signs will be concentrated mainly in urban areas, but being mobile they may also appear in other landscape types. The aesthetic impact of mobile signs may vary from high to low. Owing to their highly mobile nature these signs may be very difficult to control and may have a relatively high impact on traffic safety. Although certain mobile signs lend themselves to artistic expression these signs have a low necessity value in general, seen from a non-advertising or practical point of view.

- (1) Vehicular Advertising
- (2) Advertising Trailers & Self-Propelled Advertising Vehicles
- (3) Aerial signs
- (4) 'Walking' Sandwich Boards & Other Portable Notices

Class 7: Temporary signs

This class permits a wide variety of signs and advertisements of which temporariness can be seen as a dominant characteristic. For the purpose of this classification 'temporariness' is defined by means of the following two criteria:

- (1) **Duration of continuous 'display' of advertising structure:** Most sign types in this class are classified as temporary in terms of the relatively short uninterrupted time period during which advertising structures are allowed on specific sites irrespective of the fact that advertising contents displayed on such structures may be changed during these periods. The following two display periods are used as a benchmark for permanence:
 - (a) A period of 5 years
 - (b) The lifespan of an enterprise to which a sign is referring.
- (2) The temporary nature of signs classified according to this criterion may vary from Construction Site Advertisements which are limited to the construction period of specific building projects to Show House Signs which are limited to weekends.
- (3) **Temporariness in relation to related signs:** Although signs such as temporary window signs (indicating a promotion, 'sale', etc.) may actually be affixed to a permanent structure such as a shop window, they are still seen as temporary in relation to similar signs (name and nature of shop, etc.) on the same window or other structural elements of the building – both in terms of the display period or material used for the sign.
- (4) Due to a large variation in the nature of signs in this class both the visual and traffic safety impacts of these signs also tend to differ to a large extent. In certain cases signs which may also be seen as temporary in nature, such as aerial signs, have been classified under another sign class due to a more dominant characteristic such as mobility.
 - (a) Construction Site Advertisements
 - (b) Project Boards
 - (c) Signs for Sporting Events, Festivals & Exhibitions
 - (d) Estate Agents' Boards
 - (e) Auction Signs
 - (f) Lamppost Advertising
 - (g) Handbills, Leaflets and Pamphlets
 - (h) Temporary Window Signs

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Class 8: Other signs

This sign class makes provision for signs which cannot be classified under any of the other main sign classes.

- (1) Security Signs
- (2) Public service and other information signs
- (3) Electoral posters
 - (a) Election material shall be erected in accordance with the provisions of the applicable legislation that rules and regulates elections
 - (b) Electoral posters should not be subject to a specific levy
 - (c) Deposit should be determined for these electoral post
 - (d) If the electoral posters are not removed by political parties within 14 days from the date of elections, such deposit should not be refunded
- (14) Publication of Notices for specific classes of outdoor advertising signs prior approval
 - (a) The applicant must lodge an application and arrange for it to be published once in English and another official language newspaper circulating in the area in which the property to which the application relates is situated.
 - (b) No notice may be published during the period from 12 December to 3 January of the following year, both dates included.
 - (c) The applicant must from the date of publication of a notice, display a notice in a prescribed form in English and one other official language in a place visible to the public on a street front of the property on which the proposed sign will be erected
 - (d) The applicant must maintain a notice displayed in terms of paragraph (a), for a period of at least 21 days from the date of the publication of the notice.
 - (e) A notice contemplated in subsections 4 above must contain a statement –
 - (i) that details of the application concerned will be open for inspection at an address specified in the notice for a period of 21 days from the date of publication of the notice
 - (ii) that any person may within the period specified in paragraph (a), submit comments or representations, or lodge an objection, in writing in respect of the application concerned.
 - (f) Any person proposing to submit comments or representations or lodge an objection as contemplated must address such comments, representations or objections to both the municipality and the applicant concerned at their respective addresses specified in the notices so contemplated.
 - (g) The municipality may, if the proposed advertising sign will be visible from any property used for residential purposes, require the applicant to notify the owner of that property in writing of the application and obtain his or her written comments on the proposed advertising sign.
 - (h) An applicant must submit:

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- (i) the original newspaper cuttings showing the notices
 - (ii) the date
 - (iii) name of the newspapers in which notices have been published
 - (iv) a photograph indicating the first and last date of the notice display
 - (v) an affidavit confirming compliance with that subsection;
- (i) The applicant must furnish proof to the satisfaction of the municipality that he or she has complied with the provisions of this section.
- (j) The municipality may, on its discretion, exempt an applicant from complying with the above requirements on good cause shown.

(15) Risk management

(1) Maintenance of signs

- (a) The owner of an advertising sign is responsible for maintaining that sign and the surrounding area so that it complies with the provision of applicable by-laws.
- (b) An owner contemplated in paragraph (a), must carry out regular inspections of an advertising sign with a view to satisfying himself or herself that it has been properly maintained as contemplated in paragraph (a) and carry out any necessary maintenance resultant upon such inspection.
- (c) An owner contemplated in paragraph (a), must keep a written record of any inspection made and maintenance carried out in terms of paragraph (b), must retain such record for a period of five years and must, on request by the administrator, make such record available for perusal.
- (d) If, in the opinion of the administrator, any advertising sign is in a dangerous or unsafe condition or has been allowed to fall into a state of disrepair or is in conflict with any requirement of these By-laws, he or she may serve a notice on the owner of such sign requiring him or her, at his or her own cost, to remove the advertising sign or take other steps relating to the maintenance specified in the notice, within a period so specified.

(16) Costs of removal and storage of offending signs

- (a) The cost incurred by the municipality for the removal and storage of an advertising sign, other than a poster, and other costs incurred may be recovered from the owner of that advertising sign or any other person whose name or activity is displayed on that advertising sign.
- (b) If an advertising sign has been removed, the administrator must, in writing give notice to the owner of that sign, if his or her address can be ascertained, of such removal and that he or she may claim the advertising sign concerned.
- (c) Any advertising sign which has been removed and stored in terms of these By-laws may be released to its owner subject to payment of a prescribed fee.

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- (d) Any advertising sign removed and not claimed within 30 days may be disposed of by the municipality
- (e) The municipality shall be indemnified against any claim for loss or damage of any advertising sign in the removal thereof.

(17) Damage to Municipal property

No damage shall be done to any tree, electrical post or any municipal property and any person who causes such damage or causes such damaged to be done shall be guilty of an offence and apart from the fine impose, shall be responsible for the repair at his expense and to the satisfaction of the Council.

(4) Serving of notices

Any notice that is required to be served, delivered or given in terms of, or for the purposes of, this by-law, must be served in any of the following ways:

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

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chairman or secretary of the managing or other controlling body of such association, as the case may be.

(5) Amendment, Withdrawal and/or Termination of approval

The Municipality may refuse, withdraw, amend or terminate any approval or impose further conditions in respect of such approval at any time if in the opinion of the Municipality:

- (a) It will be or becomes detrimental to the environment or the amenity of the neighbourhood by reason of size, intensity of illumination, quality design or material or for any other reason,
- (b) It will constitute or becomes a danger to any person or property;
- (c) If the sign is in a state of disrepair or does not comply with this Policy;
- (d) It will obliterate other signs, natural features, architectural features or visual lines of civic or historic interest, and
- (e) The advertisement does not comply with this Policy; or does not conform to the initial approved application;
- (f) It will be, in its contents, an objectionable, indecent, or suggestive of indecency or prejudicial to the public morals;
- (g) It has become necessary to implement traffic signage or traffic control measures that will be in competition with the advertisement, or where the removal of the advertisement is necessitated by road improvements;
- (h) It becomes clear that approval of an application is invalidated as a result of a misrepresentation by the applicant or oversight by a municipality official.

(17) Inspections

The Municipality/ delegated officials have the power to inspect any advertising sign in the area of jurisdiction of the municipality in terms of applicable regulations, and, subject to the following conditions;

- (a) That the implementation and enforcement of the by-law and applicable regulations may be carried out at all times during the week including Saturday, Sundays or any public holidays
- (b) The administrator must, before the commencement of, or during an inspection, of an advertising sign or the owner of the property on which the advertising sign concerned has been erected or displayed; produce a written confirmation of his or her appointment as an authorised official empowered to carry out inspections for the purposes of this by-law

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- (c) The official carrying out an inspection in terms of this by-law, must conduct himself or herself with strict regard to decency and orderliness and with due regard to any person's rights contained in the Bill of Rights set out in Chapter 2 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)

(18) Offences

- (a) Any person who displays or causes or permits to be displayed or distributes an advertisement, directional sign, election material or banner in a street or other public place without having obtained permission thereto
- (b) Any person who after obtaining the necessary permission regarding an advertisement, election material or directional sign, fails to meet the provisions of this by-law or otherwise contravenes any provisions thereof; shall be guilty of an offence
- (c) Any person who places or causes to be placed a circular, handbill, directional sign or any other advertisement on or in a vehicle in a public street or place commits an offence
- (d) On prosecution in terms of all applicable by-laws, any person who displayed or caused to be distributed or permitted to be displayed or distributed an advertisement, election material or directional signs in any street or public place, shall be deemed to be the exhibitor or distributor thereof while it is thus displayed or distributed
- (e) Any person who fails to remove, his displayed advertisement, displayed directional sign, advertisement of election material within the prescribed time, shall forfeit his paid deposit to the Municipality.
- (f) The Municipality may without giving any notice thereof to any person, remove or destroy any advertisement which is displayed without previously obtained permission from the Municipality and will be liable to a penalty

(19) Penalties

Any person who -

- (a) contravenes or fails to comply with any provision of the applicable by-laws;
- (b) refuses or fails to comply with any notice served on him or her in terms of or for the purposes of these By-laws;
- (c) refuses or fails to comply with the terms or conditions of any approval issued in terms of these By-laws;
- (d) obstructs, hinders or interferes with an authorised official or other official of the municipality acting under power delegated to him or her, in the exercise of any power or the performance of any duty under these By-laws;
- (e) fails or refuses to furnish to an authorised official or other official of the municipality acting under power delegated to him or her, with any documentation or information required for the purposes of these By-laws or furnishes a false or misleading document or false or misleading information;
- (f) fails or refuses to comply with any instruction given in terms of or for the purposes of these By-laws; or

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- (g) pretends to be an authorised official or other official of the Council acting under power delegated to him or her, is guilty of an offence and –
 - (i) liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 12 months;
 - (ii) in the case of a continuing offence, to a further fine that may be determined by the administrator, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been served on him or her by the Council or an administrator or authorised official requiring the discontinuation of such offence.
 - (iii) Shall be subjected to a fine and forfeit his or her deposit

(20) Documentation

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

(21) Appeal procedure

Any person may appeal to the Municipal Manager of the Municipality against a disapproval of an application in terms of this by-law, by an official of the Municipality within 30 (thirty) days of receipt of such a decision;

- (a) Such appeals shall be made by lodging a notice setting out the nature and the grounds of appeal within the period contemplated in subsection (1) above, with the Municipal Manager of the Municipality;
- (b) The Municipal Manager referred to the above, or his/her delegated official, shall hear the appeal including any oral or written submission of either party, and inform the applicant of its decision, which shall be final, and the reasons therefore.

(22) Transitional arrangements

- (a) Any advertisement that was erected or displayed on or before the date of commencement of this by-law, that is prohibited by the by-law, and is not an advertisement for which the municipality may grant approval, must be removed within 90 (ninety) days of such date of commencement;

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- (b) Where an advertisement has been erected or displayed on the date of commencement of the by-law, which, in terms of the by-law, may not be so erected or displayed without approval of the municipality or another authority, the owner of the advertisement must apply to the municipality or the other authority, as the case may be, for such approval, within 90 (ninety) days of such date of commencement, failing which the advertisements must be removed forthwith. No such application may be made in respect of an advertisement contemplated in subsection (a);
- (c) If approval for an advertisement contemplated in subsection (b) has been refused, the owners must remove it within 30 (thirty) days of receipt of notification of such refusal. Where such a notification has been posted by registered post, the owner will be deemed to have received it 8 (eight) days after posting thereof;
- (d) All approved signs already in existence on the publication of this by-law shall within a period of 1 (one) year after such promulgation, be removed or corrected to comply with the Policy.

(23) Lodging of complaints

Any complaints from the public, excluding the applicant entitled to the appeal procedures in section 6.10 (1) above, regarding this policy may be directed to:

The Municipal Manager,
Rustenburg Local Municipality;
PO Box 16, Rustenburg, 0300,

and/or hand delivered to:

The Municipal Manager,
Rustenburg Local Municipality,
Missionary Mpheni House
Corner Beyers Naude and Nelson Mandela Drives,
Rustenburg;

the Municipal Manager shall furnish a reply in writing to the complainant within 30 (thirty) days of the receipt of the complaint.