

KGATELOPELE LOCAL MUNICIPAL COUNCIL**ADVERTISING SIGNS BY-LAW**

The Municipal Manager of the KGATELOPELE Local Municipal Council in terms of subsection 156(2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the Local Government: Municipal Systems Act (Act 32 of 2000), publishes the by-law as set forth hereafter as by-law made by the Council.

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1. DEFINITIONS

In this by-law, unless the context otherwise indicates means;

"advertisement" any advertising sign or device of any kind which is visible from any street or any public place and which purpose is to convey to the public certain information, with the exception of road traffic signs and street names;

"advertising hoarding" any screen, fence, wall or other structure in a fixed position to be used, or intended to be used, for the purpose of posting, displaying or exhibiting any advertisement and includes a signboard;

"animated sign" any sign on which the representation is changed intermittently by any alteration in colour, by the appearance or disappearance of the whole representation or any part thereof, or by any other intermittent alteration of the representation or its illumination;

"approved" approved by the Council and, "approval" has a corresponding meaning;

"arcade" a pedestrian thoroughfare whether or not located at ground level passing wholly or partly through a building or buildings and to which the public normally has regular and unrestricted access;

"areas of maximum control" an area determined by Council for the purposes of section 9 of this by-law.

"areas of partial and minimum control" an area determined by Council for the purposes of section 9 of this by-law.

"block or neighbourhood watch" a voluntary association operating under an approved constitution with the purpose to protect the property of the members.

canopy" a structure in the nature of a roof projecting from the façade of a building and cantilevered from that building or anchored otherwise than by columns or posts;

"Central Business District" an area or areas determined by Council for the purposes of this by-law.

"charge determined by the Council" the appropriate charge either fixed or review and determined annually by the Council;

"Council" the KGATELOPELE Local Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

"custom made billboard" a billboard between 8m and 81m which feature special effects such as internal illumination, specialist character cut-outs and three-dimensional presentations.

"directional sign" a sign indicating the way to any place, undertaking or activity for the purpose of advertising or attracting public attention as contemplated in the definition of "advertisement"

"Manager: Engineering Services" an official appointed by Council to be in charge of the Directorate: Engineering Services and who report to the Municipal Manager or an official acting in his/her stead.

"Manager: Electrical Engineering Service" an official appointed by Council to be in charge of the Directorate: Electrical Engineering Services and who report to the Municipal Manager or an official acting in his/her stead.

"erf" any piece of land registered in a deed registry, an erf, lot, plot, stand or agricultural holding;

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

"illuminated sign" a sign, the continuous or intermittent functioning of which depends upon it being illuminated;

"moveable temporary sign" a sign not permanently fixed and not intended to remain fixed in one position, but does not include any moving part in a fixed permanent sign;

"poster" any placard announcing or attracting public attention to any meeting, event, function, activity or undertaking or to the candidature of any person nominated for election to parliament, the local government or similar body or to a referendum;

"projected sign" any sign projected by a cinematograph or other apparatus, but does not include a sign projected onto the audience's side of a drive-in cinema screen during a performance;

"projecting sign" a sign, whether stationery or actuated, attached to and protruding from the facade of a building;

"public place" any road, street, thoroughfare, bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space vested in the Kgatelopele Local Municipal Council.

"pylon sign" any sign whether stationery or actuated, displayed on or forming an integral part of a pylon, mast, tower or similar structure other than a building or an advertising hoarding;

"residential purposes" the use of a building, as a dwelling house, two or more dwelling units, a hostel, a hotel, a boarding house and a residential club;

"road traffic sign" any road traffic sign as defined in section 1 of the National Road Traffic Act, (Act 93 of 1993);

"rotating sign" a sign which rotates about any axis;

"SAMOAC" is the South African Manual for Outdoor Advertising Control compiled and published by the Department of Environment Affairs and Tourism in conjunction with the Department of Transport, April 1998;

"sign" any advertisement and any object, structure or device which is in itself an advertisement, in, or view of any street, or which is used to display an advertisement, but does not include an advertising hoarding or a poster, or any motor vehicle, or animal drawn vehicle with an advertisement thereon;

"sky sign" any sign erected or placed on or above any roof, parapet wall or the eaves of a building, but does not include a rotating sign referred to in section 16, or a sign painted on a roof of a building;

"storey" that space in a building which is situated between one floor level and the next floor level above, or if there are no clearly defined storeys, the height of a storey shall be taken as 4,5m;

"street" any street, road or thoroughfare shown on a general plan of a township, agricultural holding or any other division of land or in respect of which the public have acquired a prescriptive or other right of way and which vest in the KGATELOPELE Local Municipal Council;

"town planning scheme" a scheme approved in terms of "Schedule D" of the SPLUMAt, 2013.

"veranda" a structure in the nature of a roof attached to or projecting from the façade of a building and supported along its free edge by columns or posts;

2. APPLICATION FOR APPROVAL FOR SIGNS AND ADVERTISING HOARDINGS

- (1) No person shall display or erect any sign or advertising hoarding or use any structure or device as a sign or advertising hoarding whether or not such sign is erected on private property without prior written approval from the Council: Provided that this section shall not apply to a sign contemplated in sections 4, 7, 8, 9, 10, 17, 18, 19, 22, 23, 24, 25 and 26.
- (2) No sign displayed with the approval of the Council shall in any way be altered, moved, re-erected nor shall any alteration be made to the electric wiring system of such sign except for the purpose of renovation or maintenance, without the further approval of the Council in terms of subsection 2(1).
- (3) An application in terms of subsection 2(1) shall be signed by the owner of the proposed sign or advertising hoarding and by the owner of the land or building on which the sign or advertising hoarding is to be erected or displayed, or on behalf of the owner and shall be accompanied by –
 - (a) a block plan of the site in which the sign or advertising hoarding is to be erected or displayed, drawn to a scale of not less than 1:500 showing every building on the site and

the dimensional position of the sign or advertising hoarding in relation to the boundaries of the site and the location of the streets abutting the site;

- (b) drawings, drawn to a scale of not less than 1:20, showing the full text, lettering detail, colour, dimensions, material, construction and method of display, erection or placing of the sign or advertising sign or advertising hoarding;
 - (c) advertising hoarding and its relationship to any architectural and natural features as well as to any existing signs or advertising hoarding and/or a photograph of not less than 200mm x 250mm with the proposed sign or advertising hoarding superimposed thereon to scale.
 - (d) The Council may require the submission of an engineer certificate signed by an Engineer registered in terms of the Professional Engineers Act, (Act 81 of 1968), to take responsibility for the structure as a whole.
 - (e) The Council may require the submission of an electrical certificate signed by a licensed electrical engineer if relevant to the application.
 - (f) All relevant documentation regarding the application and approval of a sign or advertising hoarding shall be retained by the owner of the property on which such sign or advertising hoarding is displayed and shall present such documentation to the Council upon request thereof.
- (4) Council reserve the right to evaluate and approve all applications according to the guidelines provided in SAMOAC.

3. REFUSAL, WITHDRAWAL OR AMENDMENT OF APPROVAL AND APPEAL PROCEDURE

- (1) The Council may refuse, withdraw or amend at any time an approval if in the opinion of the Council-
- (a) it will be or becomes detrimental to the environment or the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or materials or for any other reason;
 - (b) it will constitute or becomes a danger to any persons or property;
 - (c) it will obliterate or obliterates other signs, natural features, architectural features or visual lines of civic or historical interest.
 - (d) It will be in its content objectionable, indecent or suggestive of indecency or prejudicial to the public morals.
 - (e) It will be or becomes illegal as a result of the changing urban structure.
- (2) Appeal procedures
- (a) Any person may appeal to the relevant committee of the Council against any decision of the Council in terms of this by-law, given by an official of the Council under delegated powers, within 30 days of receipt of notice of such decision.

- (b) Such an appeal shall be made by lodging a notice setting out the nature and grounds of the appeal within the period contemplated in subsection 3(2)(a) with the Council.
 - (c) The committee referred to in subsection 3(2)(a) shall hear the appeal including any oral or written submission from either party, and inform the applicant of its decision which shall be final, and the reasons therefor.
- (3) The criteria for the final decision will be based on the guidelines and requirements and conditions in terms of SAMOAC.

4. EXEMPTED SIGNS

- (1) The following sign shall be exempt from the provisions of section 2 but shall comply with all other provisions of this by-law save for signs contemplated in (a) to (n) which need not so comply;
- (a) Any sign displayed in an arcade.
 - (b) Any sign displayed inside a building.
 - (c) Any sign displayed on an approved advertising hoarding.
 - (d) Any sign advertising a current event in a cinema, theatre or other place of public entertainment, displayed in a fixture on a building especially made for such display.
 - (e) Any sign not exceeding the sizes specified on the table hereunder, which is displayed on a site where a building, swimming pool, tennis court, paving, fencing or garden landscaping or any other structure is in the course of being constructed, erected, carried out or altered and which describes the building or structure being erected or other work or activity being carried out, and which displays the names of the contractors or consultants concerned in such work or activity and identifies the branches of the industry or the professions represented by them during the course of such construction, erection, carrying out or alteration, as the case may be: Provided that only one such sign, or set of signs shall be permitted per street frontage of a site which is placed on or affixed to the building concerned or attached parallel on the boundary fence of the erf on which the building is situated;
 - Project boards giving the names of Architects, Consultants and Contractors: 3m wide x 3m high and with a maximum erected height of 6m.
 - Individual Contractor's and subcontractor's Board: 1,5m wide x 1,0m high.
 - (f) Any sign, other than a sign provided for in subsection 4(1)(e), not exceeding 3m in width x 2m high which portrays or describes the type of development being carried out on a site and which gives details of the type of accommodation being provided, floor space available, the name, address, telephone number of the developer of his/her agent, erected during construction work or the carrying out of alterations or additions as the case may be and remaining for a period not exceeding three months after the completion of such work.
 - (g) A sign on a street frontage of a building occupied by shops, showrooms or other business uses as defined in the relevant Town-planning Scheme, other than a sign in an office park area, which is below the level of the ground floor ceiling and which is displayed on or fixed to the face of a building or suspended from the soffit of a canopy or veranda roof.
 - (h) A sign consisting of a 600mm x 400mm metal plate or board permitted in terms of sections 16 and 17.

- (i) Any sign which forms an integral part of the design of a building on a business or industrial premises.
 - (j) Any flag hoisted on a suitable flagpole, which displays only a company name and motif.
 - (k) The residential use zones as per applicable Town-planning Schemes, a metal sign not exceeding 420mm x 300mm (A3 size), indicating the name, address and telephone number of a security company contracted to protect the property, provided that only one sign per stand or subdivision shall be permitted and such sign shall be firmly affixed to the boundary wall, fence or gates on the street frontage.
 - (l) One sign not exceeding 300mm long and 210mm high on each street boundary of an erf or portion of an erf which sign indicates the existence of a commercial security service, burglar alarm system or Block or Neighbourhood Watch System.
 - (m) A sign not exceeding 420mm x 300mm (A3 size), indicating the existence of a Block or Neighbourhood Watch Systems displayed on a boundary wall or fence or in a position approved by the Council.
- 2) The owner of the building or property on which a sign contemplated in subsection 4(1)(g) is displayed, shall indemnify the Council against any consequences flowing from the erection, display or mere presence of the sign.

5. PROHIBITED SIGNS

- (1) No person shall erect or display any of the following signs or causes or allow any such sign to be erected or displayed:
- (a) Any sign to be painted on the roof of a building or painted on, attached to, or fixed between the columns or posts of a veranda.
 - (b) Any sign to be suspended across a street.
 - (c) Any sign, which will obscure a road traffic sign or which may be mistaken for or cause confusion with or interfere with the functioning of a road traffic sign.
 - (d) Any sign which will obstruct any window or opening provided for the ventilation of a building or which obstructs any stairway or doorway or other means of exit from a building or which will prevent the movement of persons from one part of a roof to another part thereof.
 - (e) Any animated or flashing sign the frequency of 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.
 - (f) Any illuminated sign the illumination of which disturbs the residents or occupants of any building or is a source of nuisance to the public.
 - (g) Any swinging sign, which is a sign not rigidly and permanently fixed.
 - (h) Any moveable or transit sign, or trailer advertising sign, whether stationary or not.
 - (i) Subject to the provisions of sections 16 and 17, any sign displayed on land not in accordance with the relevant zoning or approved special consent use as per the applicable Town-planning Scheme.
 - (j) Any advertisement or sign other than an exempted sign for which neither a permit nor approval has been obtained.
 - (k) Any poster pasted otherwise than on a hoarding legally erected for the purpose of accommodating such poster.
 - (l) Any sign painted on a boundary wall or fence.

- (m) Super billboards.
- (n) Sky signs.
- (o) The distribution of pamphlets at road intersections.

6. ADVERTISING HOARDING

- (1)
 - (a) The highest point of any advertising hoarding shall not exceed the height zone of the property to be erected upon nor shall the area of the advertising face exceed 36m² unless otherwise approved.
 - (b) The clear height of an advertising hoarding shall not be less than 2,4m to ground level.

7. SIGNS SUSPENDED UNDER VERANDAS OR CANOPIES

- (1) Every sign, which is suspended from a veranda or a canopy shall comply with the following requirements:
 - (a) Unless the Council otherwise permits, having regard to the design of the veranda or canopy and its associated building and to the position of the building in relation to the street boundary of the erf, the sign shall be fixed with its face at right angles to such boundary.
 - (b) No part of the sign shall project beyond the outer edge of the veranda or canopy from which it is suspended.
 - (c) No part of the sign shall be less than 2,4m above the surface of the sidewalk or ground level immediately below it, nor should the top of the sign be more than 1,0m below the canopy or veranda from which it is suspended nor shall any sign exceed 1 000mm in depth.
 - (d) Unless the Council in writing otherwise permits, the bottom edge of the sign when suspended shall be horizontal and the supports by means of which the sign is suspended, shall be an integral part of the design of the sign.
 - (e) No sign shall be located in the vicinity of a pavement hatchway giving access to a basement chamber containing equipment for a high voltage service connection without the prior written permission of the Town Electrical Engineer.

8. SIGNS ON VERANDA AND CANOPIES

- (1) Any sign on the face of a veranda or canopy shall be subject to the following requirements:
 - (a) No sign shall:
 - (i) protrude above or below any part of the face, fascia or parapet of a veranda or canopy;
 - (ii) exceed 600mm in height; or
 - (iii) protrude horizontally by more than 230mm or such lesser distance as the Council may specify, from such face, fascia or parapet.
 - (b) Individual letters, either flat or three dimensional shall not exceed two thirds of the height of the canopy edge and all canopies carrying signs shall be painted for their full length or such lesser extent as required by the Council, with a background colour also to the satisfaction of the Council.
 - (c) If the canopy edge, face or parapet is in excess of 100mm in height and is in accordance with an approved building plan it shall be regarded as part of the face of the building to which it relates and the provisions of section 9 shall apply; and

- (d) No illuminated sign or sign designed to reflect light, shall be attached to or displayed on any splayed or rounded corner of a veranda or canopy at a street intersection, unless the bottom of such sign is a minimum of 6m above the street immediately below.
- (2) No sign shall be erected on the top of a veranda or canopy except a sign or series of signs of uniform height, not exceeding 600mm in height, which shall be-
 - (a) set parallel to and flush with the front edge of such veranda or canopy;
 - (b) fixed to the veranda or canopy so as to be self supporting without the aid of guys, stays or other similar devices; and
 - (c) mounted not more than 100mm above the top of the veranda or canopy.

9. SIGNS FLAT ON BUILDINGS

- (1) The total area of any locality bound flat sign placed flat on the front wall of a building facing a street shall not exceed 20% of a specific ground floor façade of such an enterprise in areas of maximum control and 30% in areas of partial and minimum control: provided that in the case of shopping centres, wall units on which flat signs are displayed shall not exceed 30% of a specific facade of the shopping centre (excluding office levels).
- (2) The total area of any non-locality bound flat sign shall not exceed 72m².
- (3) The maximum projection of a sign referred to in subsection 9(1) over the footway or ground level shall be 75mm where such sign is less than 2,4m above the sidewalk or ground level immediately below such sign and 300mm where such sign is more than 2,4m above such footway or ground level.
- (4) Signs placed flat on a wall of a building not being a wall contemplated in subsection 9(1), shall not exceed 36m² in total area.
- (5) An environmental impact assessment shall be required for any flat sign in excess of 36m².

10. PROJECTING SIGNS

- (1) For the purposes of subsections (2), (3), (4), (6) and (7) hereafter, the word "sign" shall include every means of support for a projecting sign.
- (2) Any means of support for a projecting sign shall subject to any other relevant provision of this by-law, be concealed.
- (3) The vertical dimension of every projecting sign, which shall be measured vertically between the highest point and the lower point of the sign, shall not be greater than 14m whether such sign is designed as a single unit or a series of units one above the other.
- (4) No part of a projecting sign shall project more than 1,5m from the face of the wall or building to which it is attached, or more than one half of the width of the sidewalk immediately below such sign, whichever is the lesser dimension.
- (5) The width of any projecting sign measured at right angles to the face of the wall or building from which it is designed to project shall not exceed 1,2m and where the sign projects more than 1,2m such sign shall be so fixed as to leave a continuous gap of uniform width between the face of the

wall or building and the sign, of not less than 100mm, and not more than a quarter of the width of the sign so measured.

- (6) No part of a projecting sign shall extend above the level of the top of any parapet wall from which it projects or above the level of the underside of the eaves or gutter of the building from which such sign projects.
- (7) The vertical distance between the level of the sidewalk immediately below a projecting sign and the lowest part of such sign with a vertical dimension mentioned in column 1 of the following table shall not be less than the vertical distance specified opposite such dimension in column 2 of that table.

1 Vertical dimension of sign	2 Minimum vertical distance between sidewalk and sign
Not exceeding 3m	2,4m
Exceeding 3m but not exceeding 6m	3m
Exceeding 6m	4,8m

11. CUSTOM-MADE BILLBOARDS

- (1) No custom-made billboard shall exceed a maximum size of 81m² and a maximum height of 13m: provided that the clear height of the advertising structure shall not be less than 2,4m.
- (2) An environmental impact assessment may be required for any custom-made billboard in excess of 36m².
- (3) No more than one custom-made billboard shall be allowed on any site.
- (4) An advertisement sign consisting of a single board shall be displayed perpendicular to or at an angle of 30° to the direction of oncoming traffic.
- (5) Any permitted custom-made billboard shall be independently supported and for that purpose be properly secured to an adequate foundation in the ground and be entirely self-supporting without the aid of guys, stays, brackets or other restraining devices.

12. LARGE BILLBOARDS

- (1) Any large billboard permitted by Council shall not exceed a maximum size of 36sq.m. and a maximum height of 13m: provided that the clear height of the advertising structure shall not be less than 2,4m.
- (2) No more than one large billboard shall be allowed on any site.
- (3) An advertisement sign consisting of a single board shall be displayed perpendicular to or at an angle of 30 degrees to the direction of oncoming traffic.
- (4) At a road intersection, a maximum of only two billboards per intersection shall be permitted, No billboard shall be permitted within a radius of 100m from the centre of an intersection of an arterial road, and within 50m from the centre of an intersection on any lower order road.

- (5) Any permitted large billboard shall be independently supported and for that purpose be properly secured to an adequate foundation in the ground and be entirely self-supporting without the aid of guys, stays, brackets or other restraining devices.

13. SMALL BILLBOARDS AND TOWER STRUCTURES

- (1) Any small billboard permitted by Council shall not exceed a maximum size of 6m² and a maximum height of 3,5m and shall have a clear height of not less than 2,4m.
- (2) No panel or board on a tower structure shall exceed a maximum size of 4,5m²: provided that the clear height of a tower structure shall not be less than 2,4m, while the maximum height of such a structure shall not be more than 5m.

14. SIGNS INDICATING CERTAIN PROJECTS AND THE DEVELOPMENT OF A TOWNSHIP

- (1) No sign referring to the laying out or development of any land as a township or to the disposal of any erven in a township, shall exceed 3m wide by 2m high and any approval granted in respect of such sign in terms of section 2, shall lapse after the expiry of one year after the date of such approval: provided that further extension for a period of 12 months be allowed, after Council has approved an application with proper motivation for extension.
- (2) Project boards giving the names of Architects, Consultants and Contractors, shall only be allowed to be displayed until such time that an occupation certificate has been issued.

15. SIGNS ON BUILDINGS HIGHER THAN 3 STOREYS IN THE CENTRAL BUSINESS DISTRICT

- (1) For the purpose of this section, the word "building" means a building in Height Zones 1 and 2 in terms of Council's Town Planning Scheme, where the height of buildings are restricted to a maximum height of respectively 10 and 6 stories.
- (2) Advertising signs on the side of a building as described in subsection (1) above, that are to be erected above the 3-storey level, be limited to the owner/s of the building.
- (3) Individual tenants be permitted to advertise on coordinated advertising boards for the whole building for which drawings must be submitted to the Council for approval before erection thereof can commence.

16. ROTATING SIGNS ON OR ABOVE THE ROOF OF A BUILDING

- (1) The supporting structure of any rotating sign shall be secured to the building and shall be self-supporting without the aid of guys, stays or other similar devices.
- (2) If the number of stories contained in that part of the building which is directly below a rotating sign as specified in column 1 of the following table, the maximum dimension either vertical or horizontal, of the rotating part of the sign shall not exceed the dimension specified opposite such number in column 2 of that table, and the vertical distance between the surface of the roof of the building and the highest point reached by any part of the sign when rotating shall not exceed the distance so specified in column 3 of that table:

1	2	3
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Number of stories below sign	Dimension of rotating portion	Vertical distance between the roof and the highest point reached by the sign
One or two stories	1,5m	2,5m
Three or four stories	2m	4m
Five or six stories	3m	5m
Seven or eight stories	4m	6m
Nine or more stories	5m	9m

17. SIGNS ON BUILDINGS USED FOR RESIDENTIAL PURPOSES OTHER THAN DWELLING-HOUSES

- (1) A sign containing the name only of any building used for residential purposes other than dwelling-house, and a sign consisting of a 1,5m x 1,5m-size brass or other metal plate displaying the name of the company owning or managing such building, its logo and telephone number, may be displayed.
- (2) Any sign contemplated in subsection 17(1) shall
 - (a) be fixed to or built into one or more walls of the building or a free standing wall or boundary wall of the property;
 - (b) be limited to one of each of the signs referred to per street frontage of the property concerned.
- (3) A sign consisting of a 420mm x 300mm (A3-size) metal plate or board indicating the name and profession or occupation of the occupant may be affixed to the boundary wall or fence, of the entrance door of a dwelling unit, or to a wall in the entrance hall of a building used for residential purposes. Only one sign per erf shall be permitted.
- (4) A sign consisting of a 1,5m x 1,5m-size board indicating the name of a guest house in a residential area may be affixed to the boundary wall or fence, on the entrance door of a dwelling unit, or to a wall in the entrance hall of a building used for a guest house within a residential area. Only one sign per erf shall be permitted.
- (5) A sign consisting of a 420mm x 300mm (A3-size) board indicating the name of a day mother or play group may be affixed to the boundary wall or fence, on the entrance door of a dwelling unit, or to a wall in the entrance hall of a building used for residential purposes. Only one sign per erf shall be permitted.
- (6) A sign consisting of a 1,5m x 1,5m-size board indicating the name of a Pre-school may be affixed to the boundary wall or fence, of the entrance door on a dwelling unit, or to a wall in the entrance hall of a building used for a pre-school within a residential area. Only one sign per erf shall be permitted.

18. SIGNS ON BUILDINGS USED FOR RESIDENTIAL AND BUSINESS PURPOSES

In the case of a building used for residential and business purposes within the Central Business District a sign may be displayed on that part of the building which is used for business purposes unless in conflict with subsection 3(1).

19. SIGNS ON AWNINGS

A sign containing only the name of a hotel, shop or restaurant may be displayed on an awning of approved material.

20. ADVERTISEMENT ON TEMPORARY BANNERS OR SIMILAR ITEMS

- (1) Subject to the provisions of section 4, no advertisement shall be displayed on any banner, streamer, flag, paper, paper maché, plastic sheet or other similar pliable material or on calico or other woven material, without the written permission of the Council, subject to such conditions as the Council may deem expedient.
- (2) The Council may, without notice, remove any advertisement contemplated in subsection 20(1) which is displayed in contravention of this section.
- (3) Every person to whom permission has been granted in terms of subsection 20(1) shall ensure that the following requirements are complied with:
 - (a) Not more than four (4) banners per identified road intersection shall be displayed in respect of one function or event;
 - (b) Not more than one banner per corner of the intersection shall be displayed;
 - (c) Every banner shall be attached to or suspended between poles or other supports on the site on which the function or event is to be held or on such other site as the Council may allow;
 - (d) Every banner shall be so attached so as not to interfere with or constitute a danger to passing vehicular or pedestrian traffic; and
 - (e) No banner shall be displayed for more than two weeks before the date of the function or event advertised nor shall any such advertisement be permitted to remain in position for more than three days after the conclusion of such function or event;
 - (f) No banner shall exceed a maximum size of 6m² and a maximum height of 1,5m.
- (4) Banners may be permitted with the written consent of the Council at the following intersections: *(Local street names to be inserted here)*
- (5) Further intersections may be identified by means of a written application for approval by Council.
- (6) An "intersection" means all four corners of the intersection excluding the median.
- (7) No banner shall be permitted without the Council's sticker of approval appearing on such banner.

21. AERIAL SIGNS

- (1) The Council may, for the purpose of considering an application for approval in terms of section 2 of a sign to be displayed on a tethered balloon, have regard to:
 - (a) The period for which the balloon will be so used;
 - (b) The size of the balloon;
 - (c) The type of gas with which the balloon is to be filled;
 - (d) The strength of the anchorage and of the anchoring cable;
 - (e) The provision of a device by means of which the balloon will automatically so deflate as to sink slowly to the ground in the event of the failure or severance of the anchorage or anchoring cable;
 - (f) The possibility of interference with traffic;

- (g) Any requirement or condition prescribed by the Department of Civil Aviation, including the maximum permissible height to which the balloon must be restricted, and written permission with regard to subsections (a), (b), (c), (d) and (e) of section 21.
- (2) With the exception of moored airships, aerial signs shall be displayed in daylight hours only.
- (3) No sign shall be displayed for a period exceeding two weeks in any calendar year.

22. TEMPORARY DIRECTION INDICATORS FOR SHOW HOUSES AND AUCTIONS

- (1) Temporary direction indicators to show houses, where the public and the prospective buyers are allowed to view a house and garden, will only be permitted over weekends.
- (2) Temporary direction indicators may only be displayed from 10:00 on Fridays and must be removed before 10:00 the following Monday morning.
- (3) Indicators can however, be displayed at the intersections in residential areas, 5m from such intersection, 2m from the edge of the curb, with a maximum height of 1m: provided that only one indicator (per direction) per estate agency be permitted.
- (4) If any temporary indicators are to be displayed during times other than those mentioned in subsection (2) above, a written application must be submitted to Council for consideration.
- (5) The authorization to allow the display of such indicators is delegated to the Director: Engineering Services or anyone who acts in this capacity.
- (6) The Council may, without prior notice to anybody, remove any temporary advertisement in respect of the sale or letting of movable property, or the execution of work or the rendering of services which is erected in contravention of this by-law, and the person who displayed the advertisement or permitted or allowed it to be displayed, will be responsible for the costs of removal.
- (7) Maximum size of temporary direction indicators shall be 600mm x 600mm.

23. TEMPORARY SIGNS FOR THE SALE OR LEASE OF SITES OR BUILDINGS

No person shall, without the written consent of the Council, display any temporary sign on any pavement for the sale or lease of sites or buildings, or permit such sign to be displayed. Such signs may be displayed within the site boundaries or in front of the stand. For this section a "temporary sign" shall:

- (a) not be longer than 600mm x 600mm and at its highest point shall not be higher than 2,5m above ground level within residential areas;
- (b) not be larger than 3,4m x 2,6m within business and industrial areas;
- (c) letters, figures or symbols to the specification of the advertiser.

24. TEMPORARY ADVERTISEMENTS (POSTERS)

- (1) A temporary advertisement may only be displayed on the structures erected in town for advertising purposes.

- (2) The name and address of the organization, authority, or person advertising on behalf of such organization, gathering or exhibition, must be clearly marked on such advertisement.
- (3) Temporary advertisements, which have the same meaning, may be displayed simultaneously on these structures specified by the Council from time to time.
- (4) A temporary advertisement as mentioned above must:
 - (a) not be larger than 600mm x 1m
 - (b) be placed in such a position that it would not obstruct the view of traffic or the movement of pedestrians;
 - (c) be removed within one (1) day after the intended time;
 - (d) not be fastened to trees with wire or nails;
 - (e) not be attached to any road traffic sign, substation or any structure belonging to the Council, excluding approved advertising structures;
 - (f) be attached to hard cardboard and may in no way be affixed to any object along the street, excluding approved advertising structures;
 - (g) anyone displaying an advertisement must pay a deposit to the Council. Should the advertiser not conform to the above, the deposit would be used to enable the Council to remove the advertisement. If the owner concerned removes the advertisements as prescribed, deposits would be refunded.
- (5) No temporary advertisements or posters shall be permitted without the approved Council's sticker appearing on such advertisements or posters.

25. ELECTION ADVERTISEMENT (PLACARD/POSTERS)

- (1) The prescribed deposit must be paid and would only be refunded after advertisements have been removed.
- (2) There is no restriction in respect of the number of posters and posters that may be displayed at any location in the municipal area, except as mentioned in subsections (3) and (4).
- (3) Election posters may be displayed as from nomination date to midnight of the second day after election day.
- (4) No posters shall be permitted on traffic signs.
- (5) Should the advertiser not remove the advertisements after the expiry date, the deposit would be used to enable the Council to remove the advertisements. If the party concerned removes the advertisements as prescribed, deposits would be refunded.

26. PAMPHLETS

- (1) The name, telephone number and address of the distributing company must appear on the pamphlet.
- (2) No one may distribute, place or display pamphlets on a street or permit such pamphlets to be placed, distributed or displayed without the explicit authorisation of the Council and unless the prescribed fees are paid, the Council will remove such pamphlets.

- (3) Pamphlets mentioned in subsection 26(2) may only be distributed in post boxes at residential dwelling units and parked vehicles.

27. SIGNS ON OR OVER STREETS

- (1) Every person owning, displaying or causing to be displayed a sign, which, or any part of which, overhangs, or is placed on any street shall, on being instructed by the Council to do so, remove it within 24 hours from the time of such longer period specified by the relevant official of the Council without any compensation.
- (2) No signs shall be positioned on a road island or road median with the exception of pole mounted, double-sided, internally illuminated sign that bear both the street name and advertising panels in the urban environment: provided that only a maximum of 4 (four) such street name advertisements may be displayed at intersections.
- (3) No signs shall be erected with in or suspended above a road reserve, with the following exceptions:
- (i) Signs relating to the sponsoring of projects specifically intended for road users and involving the provision of road services, the promotion of road safety or the management and conservation of road side environment;
 - (ii) Guide and information signs that have a distinctive white and brown or green colour and use symbols to a large extent: provided that:
 - (a) only one such sign be erected at the nearest significant intersection with a major arterial road;
 - (b) a further two such signs be erected at any two significant intersections nearest to the facility or institution;
 - (c) such signs shall comply with the specifications in terms of the Road Traffic Signs Manual and the National Road Traffic Act, (Act 93 of 1996);
 - (d) such signs shall be erected by the Traffic Department of the Council at the cost of the applicant.
 - (iii) Advertisements on self driven vehicles which are normally moving on land or water, including taxis, trains and delivery vehicles, but excluding aircraft, may be allowed within all road reserves: provided that such vehicle not be stationary for the purpose of advertising at one single location.
 - (iv) Project boards/signs that concern road construction may be allowed within all road reserves.
 - (v) Project boards that advertise contractors and consultant's involvement on a site where construction works are taking place may be allowed: provided within all road services other than arterial roads that such signs only be erected next to the actual development and only if sufficient space is not available on such a site;
 - (vi) Road Traffic Signs permitted in terms of sections 56 and 57 of the National Road Traffic Act (Act 93 of 1996).
- (4) Poster signs and advertisements on street furniture shall not exceed 2,2m² in area, provided that where poster signs or street furniture face in more than one direction, the total area shall not exceed 4,4m².
- (5) Poster structures and street furniture carrying advertisements shall not exceed a maximum height of 3m.

- (6) No signs, excluding signs permitted under section 22, are permitted within the sight triangle at intersections and the following dimensions shall be applicable:

ROAD CLASS	DIMENSION	LOCAL DITRIBUTOR	RESIDENTIAL ACCESS COLLECTOR	ALL OTHER ACCESS STREETS
Sight triangle (m) where lower order roads enter higher order roads	From stop road mark	4,5m	2,4m	2,4m
	From center of lower order road (sight line)	80-90m	45m	35m

28. MATERIALS FOR SIGNS, ADVERTISING HOARDING, SCREENS AND SUPPORTING STRUCTURES.

- (1) All iron or steel used in any sign, advertising hoarding and screen referred to in section 14 or as means of support for such sign, hoarding or screen shall be painted or otherwise effectively protected against corrosion.
- (2) No water-soluble adhesive tape or other similar material shall be used to display or secure any sign elsewhere than on an advertising hoarding.

29. DRAINAGE OF SIGNS

Measures shall be taken to prevent the entry of water into and the accumulation of water or moisture on or in any sign or any part of its supporting framework, brackets or other members.

30. POWER CABLES AND CONDUITS TO SIGNS

- (1) Every power cable and conduit containing electrical conductors for the operation of a sign shall be so positioned and fixed that it is not unsightly.
- (2) All electrical work referred to in this by-law shall comply with the Electricity Code of Practice SABS (0142)
- (3) No sign or advertising hoarding shall be connected to any electricity supply without the prior written permission of the Director; Electrical Engineering Services.

31. ERECTION AND MAINTENANCE OF SIGNS AND ADVERTISING HOARDINGS

- (1) The provisions of the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, (Act 103 of 1977), shall apply mutatis mutandis to every sign, advertising hoarding and its supporting structure.
- (2) The owner of any land or building on which a sign is displayed or on which any sign or advertising hoarding is erected or to which a sign is attached and the owner of any such sign or hoarding shall be jointly and severally responsible for the maintenance in a safe and proper condition and for the cleaning and the repainting of any such sign or hoarding.
- (3) If, in the opinion of the Council, any sign or advertising hoarding;
 - (a) is in a dangerous or unsafe condition or in a state of disrepair;

- (b) is detrimental to the environment or the amenity of the neighborhood;
- (c) obliterates other signs, natural features, architectural features or visual lines of historical interest;

The Council will serve a notice on an owner referred to in subsection 31(2) requiring him/her at his/her own cost, to remove the sign or hoarding or do other work specified in the notice within a period so specified.

- (4) The Council will, if in its opinion an emergency exists, instead of serving the notice in terms of subsection 31(3) or if such notice has not been complied with within the period specified therein, itself carry out or appoint someone to carry out the removal of the sign or advertising hoarding or do other work which it may deem necessary and may recover the cost thereof from the owner or owners referred to in subsection 31(2) jointly and severally.

32. MEASUREMENT OF SIGNS

Whenever the maximum permissible area of any sign is specified in this by-law, such area shall be deemed to be the area of the smallest notional rectangle within which such sign can be contained.

33. CHARGES

Every person who applies to the Council or authorised body for its approval or permission shall on making the application pay to the Council or authorised body the charge determined therefor and no application shall be considered until such charge has been paid.

34. DAMAGES TO PROPERTY OF THE COUNCIL

No person shall intentionally, in the course of erecting or removing any sign, advertising hoarding, poster or banner cause any damage to any tree, electric standard or service or other Council installation or property.

35. ENTRY AND INSPECTION

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

36. 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 issued and served on him/her in terms of this by-law;
 - (c) contravenes or fails to comply with any condition imposed in terms of this by-law;

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding R_3000.00, in default of payment to imprisonment for a period not exceeding _6 months and in the case of a continuing offence to a fine not exceeding R1000.00 for every day during the continuing of such offence, and for a second or subsequent offence he/she shall be liable on conviction to a fine not exceeding R 10 000.00 or in default of payment, to imprisonment for a period not exceeding _18 months.

37. RESPONSIBLE PERSONS

- (1) If any person charged with an offence referred to in section 36, relating to any sign advertising hoarding or poster;
 - (a) It shall be deemed that such person either displayed such sign, advertising hoarding or poster or caused or allowed it to be displayed;
 - (b) The owner of any land or building on which any sign, advertising hoarding or poster was displayed, shall be deemed to have displayed such sign, advertising hoarding or poster, or caused or allowed it to be displayed;
 - (c) Any person who was either alone or jointly, with any other person responsible for organizing, or was in control of any meeting, function or event to which a sign or poster relates, shall be deemed to have displayed every sign or poster displayed in connection with such meeting, function or even to have caused or allowed it to be displayed;
 - (d) Any person whose name appears on a sign, advertising hoarding or poster shall be deemed to have displayed such sign, advertising hoarding or poster or to have displayed, unless the contrary is proved.

38. REMOVAL OF SIGNS OR ADVERTISING HOARDINGS

- (1) If any sign or advertising hoarding is displayed so that in the opinion of the Council it is detrimental to the environment or to the amenities of the neighborhood, or otherwise in contravention of this by-law, the Council may serve a notice on or may instruct the owner of the sign or advertising hoarding to remove such sign or advertising hoarding or carry out such alteration thereto or do such other work as may be specified by the relevant official of the Council within a specified time.
- (2) If a person fails to comply with a request referred to in subsection 38(1), the Council will remove such a sign or advertising hoarding.
- (3) The Council shall in removing a sign or hoarding contemplated in subsection 38(1), not be required to compensate any person in respect of such sign or advertising hoarding, in any way for loss or damage resulting from this removal.
- (4) Any costs incurred by the Council in removing a sign or advertising hoarding, in terms of subsection 38(2) or in doing alterations or other works in terms of this section will be recovered from the person on whom the notice/instruction contemplated in subsection 38(1) was served. Or if a deposit has been paid in respect of such sign or hoarding the costs may be deducted from the deposit.
- (5) Notwithstanding the provisions of subsections (1), (2), (3) and (4) above, the Council itself shall, without serving any notice, carry out the removal of such sign or advertising hoarding.
- (6) Council shall charge poundage for such signs that were removed in terms of subsection 38(2).
- (7) Council shall destroy such signs that were removed in terms of subsection 38(2), within one week after such removal, should the owner of such sign failed to claim such sign or pay the poundage in terms of subsection 38(6).

39. SERVING OF NOTICES

Where any notice or other document is required by this by-law to be served on any person, it shall be deemed to have been properly served personally on him/her or on any member of his/her

household apparently over the age of sixteen years or at his/her place of residence or on any person employed by him/her at his/her place of business, or if sent by registered post to such person's residential or business address as it appears in the records of the Council, or if such person is a company, if served on an officer of that company at its registered office or sent by registered post to such office.

40. REPEAL OF BY-LAWS

The by-laws relating to matters contained in this by-law by the former Municipal Councils of Danielskuil, are hereby repealed.