



MALUTI-A-PHOFUNG

MUNICIPALITY

**OUTDOOR ADVERTISING
AND
SIGNAGE BY-LAW**

TABLE OF CONTENTS:

Contents

1. Preamble
2. Purpose of the by-law
3. Definitions
4. Approach
5. Submission of applications
6. General factors for consideration of an approval and /or amendments /or conditions to Approval to signs and / or proposed graphics
7. Factors relating to specific types of signs and areas of control
8. Standard conditions for approval
9. Electrical requirements
10. Illumination requirements
11. Traffic safety requirements
12. Legal requirements
13. Approval
14. Appeal
15. Subject to compliance with the conditions pertaining thereto and set out hereunder, council's
Approval is not required
16. Disfigurement
17. Damage to municipal property
18. Enforcement
19. Control of illegal signs
20. Charges
21. Responsible person
22. Presumption
23. Removal of signs
24. Service of notice
25. Magistrate's court jurisdiction
26. Classes of outdoor advertisement
27. Schedule 1-14
28. Tariffs
29. Forms for outdoor advertising

OUTDOOR ADVERTISING AND SIGNAGE BY-LAW

BY-LAW NO

To provide a set of regulations governing the use of land and buildings for outdoor advertising and signage and for matters incidental thereto.

1. PREAMBLE

The object of this By-law is to regulate outdoor advertising in the jurisdiction of the municipality of Maluti-a-Phofung in a manner that is sensitive to the environmental quality of different parts of Maluti-a-Phofung municipal area. This By-Law seeks to strike a balance between outdoor advertising opportunities and economic development on the one hand, and the conservation of visual, tourist, environmental and heritage characteristics on the other hand. The object of this By-Law is to ensure that outdoor advertising respects the integrity of any site on which it is displayed, as well as complements the character of the locality in which it is displayed.

The sensitivity of the proposed locality of a sign and its capacity withstand the visual impact are the most important guiding principles for the control of outdoor advertising. Outdoor advertising signs should only be placed where they are most compatible with the surrounding locality and where they do not impact on visual corridors and/or scenic drives. Signs that compromise protected, unique or sensitive areas will not be allowed.

In addition, outdoor advertising and signs should not compromise traffic safety and should not adversely affect the character of a locality by way of appearance, size or illumination.

Advertising on bridges, towers, telecommunication masts or pylons will not be permitted

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

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

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

- 1.1 Official tourist destination signs
- 1.2 Community information/educational boards
- 1.3 Any sign required to be displayed by law including road traffic signs erected in terms of any Act of Parliament, Provincial Law or By-Law.

2. PURPOSE OF THE POLICY

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

3. DEFINITIONS

The following words and expressions shall have the meanings respectively assigned to them hereunder:

- 3.1 **Advance sign** means a sign indicating the direction or distance to a facility, locality, activity, service or enterprise
- 3.2 **Advertisement** means any visible representation of a word, name, letter, figure, object mark or symbol or of an abbreviation of a word or name, or of any combination of such elements with the object of transferring information.
- 3.3 **Advertising device** means any physical device, which is used to display an advertisement or which is in itself an advertisement
- 3.4 **Advertising hoarding** means a 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
- 3.5 **Advertising structure** means any physical structure built to display advertising
- 3.6 **Aerial sign** means any sign which is affixed to or produced by any form of aircraft (including kites and balloons) and which is displayed in the air
- 3.7 **Affix** includes to paint onto and “affixed” shall have a corresponding meaning
- 3.8 **Animation** means a process whereby an advertisement’s visibility or message is enhanced by means of moving units, flashing lights or similar devices
- 3.9 **Approved** means approved by the Council and “approval” has a corresponding meaning
- 3.10 **Arcade** means a covered pedestrian thoroughfare not vested in the Council, whether or not located at ground level passing wholly or partly through a building and to which the public normally has regular and unrestricted access
- 3.11 **Area of control** refers to the degree of advertising control to be applied in a specific area, i.e. maximum, partial or minimum control, in accordance with the visual sensitivity of the area and traffic safety conditions. Area of control is also used to express the degree of landscape sensitivity of specific areas
- 3.12 **Arterial road** means a road which, in the opinion of the Council, functions as a main carrier of traffic within an urban area
- 3.13 **Backlight units** (backlit) means advertising structures which house illumination in a box to throw light through translucent advertising printed on plastic or heavy duty paper for a higher visibility and extended night viewing
- 3.14 **Balcony** means a platform projecting from a wall, enclosed by a railing, balustrade or similar structure, supported by columns or cantilevered out and accessible from an upper-floor door or window
- 3.15 **Basic landscape sensitivity** indicates the visual or aesthetic sensitivity of the landscape with regard to outdoor advertisements and designs in terms of three basic landscape types, which are, in order of sensitivity, natural, rural and urban landscapes

- 3.16 **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 for the purpose of 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.
- 3.17 **Bit of information** refers to the basic unit for measuring the length of advertising messages and may consist of letters, digits, symbols, logos or abbreviations.
- 3.18 **Blind** means a vertical screen attached to shop windows or verandas in order to keep sun and rain from shop fronts and sidewalks, and which may be rolled up when not in use
- 3.19 **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
- 3.20 **Bus shelter display** means posters positioned as an integral part of a free-standing covered structure at a bus stop
- 3.21 **Canopy** means 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
- 3.22 **Charge determined by the Council** means the appropriate charge set for in a by-law made by the Council
- 3.23 **Clear height** means the vertical distance between the lowest edge of the sign and the level of the ground, footway or roadway immediately below such sign
- 3.24 **Combination sign** means a single free-standing advertising structure for displaying information on various enterprises and services at locations such as roadside service areas, urban shopping centres and other urban complexes
- 3.25 **Composite sign** means a sign linked to a standardized background of a specific size similar to a poster board on which logos or other tourist-related information can be attached
- 3.26 **Copy** means the complete advertising message to be displayed on the advertising structure
- 3.27 **Council** means the Maluti-a-Phofung Municipality or its successor(s) in-law or any officer employed by the Council or any committee designated by the Council, acting by virtue of a delegated authority vested in him/her or it by the Council in connection with these by-laws
- 3.28 **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 greater attention value, can provide a three-dimensional effect and are also commonly known as add-ons or embellishments
- 3.29 **Depth of a sign** means the vertical distance between the uppermost and lowest edges of the sign
- 3.30 **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
- 3.31 **Display of a sign** shall include the erection of any structure if such structure is intended solely or primarily for the support of a sign
- 3.32 **Display period** means the exposure time during which the individual advertising message is on display

- 3.33 **Election** means either National, Provincial or Local Government elections and by-elections held from time to time
- 3.34 **Erf** means any piece of land registered in a deeds registry as an erf, lot, plot, stand or agricultural holding
- 3.35 **Façade** means the principal front or fronts of a building
- 3.36 **Flashing sign** means a sign in which the visibility of the contents is enhanced by their intermittently appearing and disappearing or being illuminated with various intensity of colours
- 3.37 **Flat sign** means any sign, which is affixed to or painted directly onto any external wall or a building and which at no point projects more than 300mm in front of the surface of such wall
- 3.38 **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
- 3.39 **Freeway** means a road designated as a freeway by means of a road traffic sign
- 3.40 **Gateway** means a prominent entrance to or exit from an urban area or a specific part of an urban area, consisting of man-made or natural features and creating a strong sense of arrival or departure
- 3.41 **Ground sign** means any sign detached from a building, other than an aerial sign
- 3.42 **Height of a sign** means the vertical distance between the uppermost and lowest edges of the sign
- 3.43 **Human living environment** refers to all human settlements such as villages, towns or cities, which may consist of various components such as residential, employment and recreation areas and which require environmental management to provide services such as water, public spaces and waste removal and to protect the quality of the environment
- 3.44 **Illuminated** means an advertising structure which has been installed with electrical or other power for the purpose of illumination of the message of such sign
- 3.45 **Illuminated sign** means a sign, the continuous or intermittent functioning of which depends upon it being illuminated
- 3.46 **Inflatable sign** means any hoarding erected and maintained by means of air used for the purpose of posting or displaying any advertisement
- 3.47 **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
- 3.48 **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
- 3.49 **Main roof of a building** means any roof of a building other than the roof of a veranda or balcony
- 3.50 **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
- 3.51 **Movable temporary sign** also termed as **mobile or transit sign** means an advertisement attached to or displayed on a vehicle, vessel or craft on land, in water or in air

- 3.52 **Poster** means any placard announcing or attracting public attention to any meeting, event, function, activity or undertaking or to the candidature or any person nominated for election to parliament, the local government or similar body or to a referendum, or any placard advertising any product or service or announcing the sale of any goods, livestock or property
- 3.53 **Projected sign** means 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
- 3.54 **Projecting sign** means any sign which is affixed to a main wall of a building and which projects more than 300mm from the surface of the main wall and which is affixed at a right angle to the street line
- 3.55 **Public place** means any road, street, thoroughfare, bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space vested in the Council
- 3.56 **Pylon sign** means any sign whether stationary or actuated, displayed on or forming an integral part of pylon or mast or similar structure other than a building or advertising hoarding
- 3.57 **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
- 3.58 **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
- 3.59 **Rotating sign** means a sign, which rotates about any axis
- 3.60 **Running light sign** means a sign or 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
- 3.61 **Sign** is a more comprehensive term than advertisement and refers to any advertisement or object, structure or device which is in itself an advertisement or which is used to display an advertisement
- 3.62 **Sky sign** means a very large sign between 75m² to 300m² on top of a high-rise building in a metropolitan area and which may form an important landmark
- 3.63 **Spectacular** is an advertising industry term and means a custom-made billboard, which incorporates special effects such as internal illumination, cut-outs and three-dimensional representations
- 3.64 **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 prescriptive or other right of way and which vests in the Council
- 3.65 **Temporary advertisements** means signs and advertisements which are usually displayed to publicise a forthcoming event or to advertise a short term use of the advertisement site
- 3.66 **Temporary sign** means a sign not permanently fixed and not intended to remain fixed in one position
- 3.67 **Transit advertising** also referred to as **vehicular advertising** means all advertising on normally moving vehicles including taxis, buses, trailers trams, vessels, etc.
- 3.68 **Tri-vision** means a display embellishment, which, through use of a triangular louver construction, permits the display of three different copy messages in a predetermined sequence

- 3.69 **Verandah** means a structure in the nature of a roof attached to or projecting from the façade of a building and supported along its free edge by columns or posts
- 3.70 **Window signs** are signs, which are permanently painted on, or attached to, the window-glass of a building

4. APPROCH

4.1 The policy formulation is based on the following fundamental principles:

- 4.1.1 The recognition of the democratic rights of the citizens of Maluti-a-Phofung Municipality
- 4.1.2 The spirit of the Constitution of the Republic of South Africa and the need of transparency and accountability in the regulation of outdoor advertisement in the sphere of Local Government
- 4.1.3 The need to address the conservation of both the natural and man-made environment which can be adversely affected by certain forms of outdoor advertisement
- 4.1.4 The need to provide appropriate opportunities for outdoor advertising in the area of Maluti-a-Phofung to promote economic development

5. SUBMISSION OF APPLICATIONS

- 5.1 No person shall display or erect any sign or advertising structure or use any sign for advertising without the Municipality's approval in terms of this By-law.
- 5.2 Every person intending to display a new sign or to alter or to add to an existing approved sign or submitting a signage plan shall submit a written application to the Municipality accompanied by the following information in duplicate:
- 5.2.1 A site plan showing the site on which it is proposed that the sign is to be erected or displayed, drawn to a scale of not less than 1 :200 showing clearly and accurately the position of the sign and the building, if any, to which it is to be attached and showing every building and the existing signs on the site, existing and proposed landscaping, traffic signals and road traffic signs, and the positions, with dimensions, of the sign or sign in relation to the boundaries of the site and the location of the streets abutting the site, together with its existing approved zoning conditions.
- 5.2.2 A drawing, in sufficient detail to enable the Municipality to consider the appearance of the sign and all relevant construction detail, including an description of the materials of which the sign is to be constructed, the colours to be used, and whether or not the sign is to be illuminated; and in the latter event, the plan shall indicate whether or not the sign is an electronic sign and, if so, full details shall be furnished.
- 5.2.3 A drawing, in sufficient detail to enable the Municipality to consider the appearance of the sign and all relevant construction detail, including an description of the materials of which the sign is to be constructed, the colours to be used, and whether or not the sign is to be illuminated; and in the latter event, the plan shall indicate whether or not the sign is an electronic sign and, if so, full details shall be furnished.
- 5.2.4 If the proposed graphics of the sign are to be altered or changed at any stage during its proposed period of display, such intention must be specified in writing in the application, together with an undertaking that every proposed change of graphic will be delivered to the Municipality two weeks prior to the proposed display thereof, for approval, failing which only the proposed graphics will be considered for approval.

- 5.2.5 If a sign is to be attached to or displayed on the wall or facade of a building, the Municipality may require the submission of an additional drawing showing an elevation of the building in colour, the details and position of the proposed sign and the details and the position of every existing sign on the building drawn to a scale of not less than 1:100, or the Municipality may require a coloured print of or an artist's photographic or computer generated impression of the building with the details of the proposed sign superimposed on such graphic and drawn as nearly as is practicable to the same scale as that of the graphic.
- 5.2.6 If the applicant is not the registered owner of the property on which the sign will be erected, the applicant shall provide a power of attorney signed by the owner of the property authorising the applicant to make such application.
- 5.2.7 Upon the request of the Municipality; such additional drawings, calculations and other information as is necessary to enable the Municipality to establish the adequacy of the proposed means of securing, fixing or supporting any proposed sign, sign or billboard and its ability to resist all loads and forces to which the sign, advertising or billboard may be exposed and the sufficiency of the margin of safety against failure.
- 5.3 The Municipality may require the submission of an Environmental Impact Assessment, Heritage Impact Assessment and/or a Traffic Impact Assessment by consultants.
- 5.4 The Municipality may require and determine a public participation process regarding the proposed sign involving the community which in the Municipality's opinion will be affected by the proposed sign and which public participation process shall comply with the Municipality's policy on public participation.
- 5.5 The Municipality will require a signage master plan in respect of any development where the erection of numerous signs are proposed or the rationalisation of previously approved signs is required so as to allow it to consider a consistent design master plan prior to assessment of any individual sign.
- 5.6 The Municipality shall notify the applicant of any additional requirements it has within 21 working days of the date of submission of the original application and payment of the application fee.
- 5.7 The Municipality shall be entitled to retain a copy of every document supplied to it as part of an application, but is not obliged to do so.
- 5.8 The Municipality may require written notification, by the applicant or person who erects an approved sign that such sign or sign has been erected.

6. GENERAL FACTORS FOR CONSIDERATION OF APPROVAL AND/ OR AMENDMENTS/CONDITIONS TO APPROVAL TO SIGNS AND/OR PROPOSED NEW GRAPHICS

In considering an application for the erection of a sign in terms of this By-law or an amendment or condition attaching or to be attached to an approval, the Municipality shall have regard to the following factors:

- 6.1 The area of control in which the proposed sign is to be erected or displayed are as set out in Schedule 1 annexed hereto. Provided further that if a sign falls into more than one possible area of control or if a proposed sign site located in one area of control may impact on an adjacent area of control, the Municipality shall be entitled to determine the area of control pertaining to that application

- 6.2 The type of locality or landscape and the advertising opportunities pertaining to that area of control.
- 6.3 The number of signs already displayed or proposed *to* be displayed on the erf and in the area surrounding the erf concerned.
- 6.4 The findings of any Environmental or Heritage Impact Assessment, more specifically any such finding as *to* whether the proposed sign will be detrimental *to* the environment or adversely affect the amenity of the locality or neighbourhood or affected properties;
- 6.5 The findings of any Traffic Impact Assessment.
- 6.6 The outcome of any process of public participation regarding the proposed sign.
- 6.7 The provisions of Sections 12 to 40 inclusive, of this By-law.
- 6.8 That no sign or advertisement may be designed or displayed that:
 - 6.8.1 will constitute a danger to any person or property
 - 6.8.2 will display any material or graphic which, whether in form, content or both, may reasonably be expected to cause offence to the public or an identifiable class of persons.
 - 6.8.3 will be detrimental to the environment or locality of the neighbourhood by reason of either its size, intensity, frequency, illumination, quality of design, material, proposed graphic or for any other reason
 - 6.8.4 will obscure any other signs approved in terms of this by-law or its predecessor
 - 6.8.5 will be detrimental or otherwise negatively impact on the environment; whether artificial or natural.

7. FACTORS RELATING TO SPECIFIC TYPES OF SIGNS AND AREAS OF CONTROL

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

8. STANDARD CONDITIONS FOR APPROVAL

8.1 STRUCTURAL REQUIREMENTS

- 8.1.1 All signs shall be properly constructed of the requisite strength and shall be secure and shall comply with the requirements pertaining thereto of the National Building Regulations and Control Act 103 of 1977 as amended from time to time.
- 8.1.2 The person by whom a sign is erected and the owner of the fixture onto which or to which it is attached shall be liable jointly and severally for the maintenance thereof and shall undertake at least one annual inspection thereof with a view to satisfying themselves as to the safety thereof.
- 8.1.3 All signs and supports thereof shall be constructed of incombustible, durable materials suited to the function, nature and permanence of the sign.

8.1.4 All glass used in a sign, other than glass tubing used in neon illumination must be safety glass of at least 3mm thick.

8.1.5 Glass panels used in a sign must not exceed 0,9m² in area, each panel being securely fixed in the body of the sign, structure or device independently of all other panels.

8.1.6 Every sign and its support structure shall be kept in a state of good repair.

8.1.7 Where any sign becomes torn or damaged or otherwise falls into a state of disrepair, the person owning and/or displaying such sign shall within 3 working days of a notice to do so, remove it.

8.1.8 No sign may be placed covering any window or opening provided for ventilation of a building or obstruct any stairway or doorway or other means of exit from the building or prevent movement of people from one part of a roof to another.

9. ELECTRICAL REQUIREMENTS

9.1 The person by whom a sign is erected and the owner of the fixture onto which or to which it is attached shall be liable jointly and severally for the maintenance thereof and shall undertake at least one annual inspection thereof with a view to satisfying themselves as to the safety thereof.

9.2 No advertising structure shall exceed the minimum clearance with regard to overhead power lines and prescribed in regulation 15 of the Electrical Machinery Regulations No. R1593 of 12 August 1988. Permission must be obtained from the relevant supply authority before any advertising structure may be erected in a power line servitude.

9.3 All signs must use electricity supplied from the Municipality's mains and shall not be connected to such supply without written permission from the Municipality's relevant electricity division department.

9.4 Each power cable and conduit contained electrical conductors in respect of a sign shall be so positioned and fixed so that it is safe, unseen, inaccessible and childproof and animal proof.

9.5 Every illuminated sign or sign in which electricity is used, must be provided with an external switch in an accessible position whereby the electricity supply to the sign may be switched off.

9.6 Every sign in connection with which electric current is used, shall be provided with suitable condensers to prevent interference with radio reception.

9.7 All signs and supports thereof shall be constructed of incombustible, durable materials suited to the function, nature and permanence of the sign.

9.8 All signs shall be properly constructed of the requisite strength and shall be secure and shall comply with the requirements pertaining thereto of the National Building Regulations and Control Act 103 of 1977 as amended from time to time.

10. ILLUMINATION REQUIREMENTS

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

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

10.1 Requirement for internal illumination:

10.1.1 Internally illuminated and electronic signs may only be displayed in areas of partial and minimum control.

10.1.2 Internal illumination or electrification of third party advertising signs is permitted only in respect of signs which are less than 2,1 m². The size condition may be waived, up to a maximum size of 4,5m² in respect of third party advertising, upon receipt of an Environmental and Heritage Impact Assessment showing no detrimental impact to the environment or Heritage assets is envisaged.

10.1.3 Electronic signs may not have subliminal flashes.

10.1.4 Prior to erection, the Municipality may require a Traffic Impact Assessment indicating no detrimental impact on traffic is envisaged and in addition may require subsequent traffic monitoring of any internally illuminated signs.

10.2 Requirements for external illumination

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

10.2.2 Internal illumination or electrification of third party advertising signs is permitted only in respect of signs which are less than 2,1 m². The size condition may be waived, up to a maximum size of 4,5m² in respect of third party advertising, upon receipt of an Environmental and Heritage Impact Assessment showing no detrimental impact to the environment or Heritage assets is envisaged.

10.2.3 Electronic signs may not have subliminal flashes.

Prior to erection, the Municipality may require a Traffic Impact Assessment indicating no detrimental impact on traffic is envisaged and in addition may require subsequent traffic monitoring of any internally illuminated signs.

11. TRAFFIC SAFETY REQUIREMENTS

11.1 Signs may not be erected at places where they are an unacceptable distraction for drivers or where drivers turn, negotiate curves or traffic merges, diverges or weaves.

11.2 Signs may not be erected where they could contribute, to an unsafe traffic condition or within 50 metres from on and off ramps of public roads and traffic directional signs and gantries.

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

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

11.5 Signs may not be erected within the road reserve of any public road unless specifically provided for in this By-Law.

11.6 When located at signalized traffic intersections, signs may not have the colours red or yellow or green as main colours and shall not obscure or interfere with any road traffic sign or traffic signal;

11.7 Signs may not be erected within 30 metres in front of any road traffic sign or traffic signal.

11.8 Electronic signs shall not be permitted within 50 metres of a signalised traffic intersection

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

11.10 Static display, simple transition signs at a signalized traffic intersection shall display a complete frame for an information cycle length of not less than 60 seconds.

11.11 Signs erected adjacent to a public road or in a railway reserve intended to advertise to mobility route traffic must be 200 metres apart from any other sign or road traffic sign, such distance measured parallel to the centre line of the roadway.

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

12. LEGAL REQUIREMENTS

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

13. APPROVAL

13.1 The Municipality may, at any time, withdraw an approval granted in terms of this By-Law or its predecessor or amend any condition or impose a further condition in respect of such approval, if a sign or advertising structure is in a state of disrepair, stands empty for more than 60 consecutive days, no longer complies with the any provision of this By-law or is substantially altered from the original application by way of structure or graphic content.

13.2 Should an approved sign not be erected within 12 months from the date of approval or within such other time as is specified in the approval, such approval shall lapse, unless extended in writing.

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

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

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

14. APPEAL

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

14.2 The Municipal Manager must promptly submit the appeal to the appropriate appeal authority mentioned in Section 50.

14.3 The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

14.4 When the appeal is against a decision taken by:

14.4.1 A staff member other than the Municipal Manager, the Municipal Manager is the appeal authority; the Municipal Manager, the Mayoral Committee is the appeal authority; or a political structure or political office bearer, or a councillor, a committee of councillors, who were not involved in the decision and appointed by the municipal council for this purpose, is the appeal authority.

14.4.2 An appeal authority must commence with an appeal within six weeks after receipt of the appeal and decide the appeal within a reasonable period.

15. SUBJECT TO COMPLIANCE WITH THE CONDITIONS PERTAINING THERETO AND SET OUT HEREUNDER, COUNCIL'S APPROVAL IS NOT REQUIRED FOR THE FOLLOWING SIGNS

15.1 Subject to compliance with the conditions applicable to each sign type listed herein below, if any other applicable legislation, or condition imposed by the Municipality, and in terms of any other legislation, no application for council approval is required in terms of this By-Law in respect of:

15.2 Development Boards

15.2.1 Development boards shall be removed forthwith when the building operations are complete or forthwith if the building operations are discontinued, or when the provisions of the services, the doing of the work, or the supply of the goods to which the sign relates has ceased;

15.2.3 The Municipality may order the removal of any such sign if the building operations have been substantially completed or discontinued or an Occupancy Certificate has been issued by the Municipality, or the provision of the services, the doing of the work or the supply of the goods to which it relates, has for all practical purposes ceased, and such signs shall thereupon be forthwith removed but no later than **5 days** after the date of the order for removal thereof;

15.2.4 If the premises are to be used wholly or partly for residential purposes, not more than one such sign relating to any particular service, work or goods shall be displayed and such signs shall not together exceed **3m²** in total area;

15.2.5 If the premises are not to be used wholly or partly for residential purposes, no more than two such signs relating to any particular service, work or goods shall be displayed and the aggregate area of both signs shall not exceed **5m²** in total area, and if any deviations are proposed from the above exemption such deviations must be applied for in writing;

15.2.6 If the signage, whether on freestanding boards, hoardings or flexible building covering material, includes any other form of Third Party advertising, such sign must then comply with the provisions of Schedule 6 hereto and Municipal approval for the display thereof must first be obtained in terms of this By-Law.

15.3 To Let/For Sale Signs

15.3.1 Any sign not exceeding **400mm x 500mm** in total area displayed at a premises upon which a new building is being erected and relating to accommodation being offered to let or purchase in the building, on condition that any such sign shall be removed within 60 days after the date upon which the accommodation to which it relates is capable of occupation;

15.4 On Premises Business Signs

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

15.5 Window signs

15.5.1 Any signs which are temporarily or permanently painted on or attached to the window glass of a building used for commercial, office, industrial or entertainment purposes, or any other temporary or permanent sign which is displayed within 2m of any window or external opening through which it can be seen from outside such a building, on condition that no sign shall exceed 50% of the total window area in an area of minimum control.

15.6 Signs incorporated in the face of a building

15.6.1 Any sign forming an integral part of the fabric of a building but excluding a painted sign or a sign affixed in any manner to the building, on condition that no such sign shall exceed 0.2m² in total area.

15.7 Signs on Sports Field

15.7.1 Any sign erected around sports fields, to a maximum size of 2 x 1 m, on condition that:

- (a) it faces inwards onto the field; and
- (b) if visible from any public place, a public participation process has indicated that the persons affected by the proposed erection are not opposed to such erection.

15.8 Security Signs

16.8.1 Any security sign not projecting over a public road and not exceeding 0.2m² in total area indicating either that a security watch scheme is in operation or that a security company has been contracted to protect the premises on which the sign is displayed, on condition that the said sign displays only the name, logo, address and telephone number of a security company contracted to protect the premises on which the sign is displayed.

15.9 Community and Sponsored Road Project Information Signs

15.9.1 Any community or sponsored road traffic information or interpretive signs not exceeding **4,5m²** on condition that no more than **5%** of the total surface area of the sign is used for third party advertising; and that the sign is not illuminated, and furthermore provided that only one such sign shall be permitted per erf.

15.10 Signs on Walls and Fences by the person who the person who erected such wall

15.10.1 Any sign that displays only the name, address and telephone number of the contractor who erected the wall or fence, up to a maximum of 0,2m², on condition that such sign is to be removed after three months of the completion of the wall or fence concerned. This is furthermore on the condition that only one such sign per street frontage area of any wall or fence is permitted.

15.11 Advertising on Flags

16.11.1 Advertising flags or flag poles shall only be displayed on flag poles, provided that no more than 3 flag poles of 3m each in total height, shall be permitted on anyone property on which they are displayed.

15.12 Advertising on Vehicles

15.10 Advertising painted or affixed directly on the body of a motorized vehicle.

16. DISFIGUREMENT

16.1 No person shall destroy, harm damage or disfigure the front or frontage of any street, wall, fence, land, rock, tree or other natural feature, or the front or frontage or roof of any building in any manner whatsoever during construction or through display of a sign. Furthermore, no person shall disfigure any approved sign legally displayed in terms of this By-law.

17. DAMAGE TO MUNICIPAL PROPERTY

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

17.2 Any person who damages municipal property shall be liable for the repair costs.

18. Enforcement

18.1 Municipal By-laws

18.2 Where this policy contradicts any existing by-law, the by-law will supersede this policy until such time as the relevant by-law is amended. The by-law relating to enforcement requires amendment to provide Council with functional legislation to act against illegal signs within the Municipal area.

19 Control of illegal signs

19.1 Any person who displays or attempts to display a new sign or who alters or adds to, or attempts to alter or add to, an existing sign on private or municipal land without the prior written approval of

Council given in terms of this policy, where specific consent is required, shall be guilty of an offence.

- 19.2 Any such person displaying an unauthorized sign on private land shall forthwith after service on him of an order in writing to that effect under the hand of the Director of Spatial Development and Planning, cease or cause to cease all work on the display of such new sign, or shall cease or cause to cease any alteration or addition to such existing sign, as the case may be, and any such person who fails to comply with such order shall be guilty of an offence
- 19.3 Any person who, having obtained such approval, does anything in relation to any sign on private or municipal land which is a departure from any form or plan approved by the local authority shall be guilty of an offence
- 19.4 Any person shall forthwith, after the service upon him of an order in writing to that effect under the hand of the authorized employee of the Council, discontinue or cause to be discontinued such departure, and any such person who fails to comply with such order shall be guilty of an offence
- 19.5 If, before the completion of the removal or obliteration required by such order, such person satisfies the Council that he has complied with these regulations, Council may withdraw such order
- 19.6 If, in the opinion of the Council, any sign is illegal, the Council may serve a notice on an owner requiring him at his own costs, to remove the sign or to amend, move or alter such sign in order to comply with the by-laws within a period so specified
- 19.7 The Council may, if the sign does not comply with said by-laws and without council's consent, itself carry out the removal of a sign or do other work it may deem necessary
- 19.8 If any sign displayed on municipal land contravenes any of the provisions of this advertising policy, the sign may be removed and destroyed by the Director of Spatial Development and Planning or his delegate without any order or notice being served
- 19.9 The council shall, in removing a sign, not be required to compensate any person in respect of such a sign in any way for loss or damage resulting from its removal and any cost incurred in removing a sign may be recovered from the person or business who erected the sign

20. Charges

20.1 Any person who:

20.1.1 Contravenes or fails to comply with any provision of the By-laws

20.1.2 Contravenes or fails to comply with any requirement set out in a notice issued and served on a person in terms of the by-laws

20.1.3 Contravenes or fails to comply with any conditions imposed in terms of the By-laws

20.1.4 Shall be guilty of an offence and shall on conviction be liable to a fine not exceeding **R5000.00** or in default of payment, to imprisonment for a period not exceeding twelve months, and in the case of a continuing offence to a fine not exceeding **R500.00** for every day during the continuation of such offence, and for a second or subsequent offence shall be liable on conviction to a fine not exceeding **R1 500.00 per day** or in default of payment, to imprisonment for a period not exceeding three months

20.1.5 The cost involved for the removal of authorised posters by Municipality, which cost shall be recovered from the owner of such unauthorized poster(s) will be:

- (i) per poster (unpasted) **R 100.00**
- (ii) per poster (pasted) **R 200.00**
- (iii) per poster (flyposter) **R 500.00**

20.1.6 Spot fines to a maximum of **R2000.00** may be served by duly authorised officials of the Municipality on offenders for any contravention or failure to comply with the terms of these By-laws.

20.1.7 Any signs or advertising boards which have been removed and impounded but not destroyed by the Municipality as a result of them not complying with these By-laws may be released to the original owner at the following rates:

- (i) transit advertising signs may be released at the cost of the removal with a minimum fee of **R250.00 plus R50.00m²** (per square metre) of advertising display or part thereof;
- (ii) for all other signs charge will be the cost of removal with a minimum of **R100.00 plus R66.00m²** (per square metre) of advertising display or part thereof;
- (iii) signs removed and not released within **2 months** shall be disposed of by the Municipality.

21.1.6 Penalties for offences will be updated from time to time to ensure that it stays in line with income that can be generated from illegal advertisement

22 Responsible persons

22.1 If any person is charged with offence, relating to any sign, advertising board or poster

22.2 It shall be deemed that such person either displayed such sign, advertising hoarding or poster or caused or allowed it to be displayed

22.3 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

22.4 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 which a sign or poster relates, it shall be deemed to have displayed every sign or poster displayed in connection with such meeting, function or event to have caused or allowed it to be displayed

22.5 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

22.6 If various persons, companies or institutions are found to be guilty of an offence in terms of this policy, council can prosecute them jointly or separately as if every one of them has committed the offence individually

23. PRESUMPTIONS

23.1 any person charged with an offence in terms of this By-law who is:

23.1.1 the owner of any land or building on which any sign was or is displayed, shall be deemed, until the contrary is proved, to have knowingly displayed such sign, or caused or allowed it to be displayed;

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

23.1.3 the person whose name appears on a sign or whose product or services are advertised on such sign, shall be deemed, until the contrary is proved, to have displayed such sign, or to have caused or allowed it to be displayed unless the contrary is proved.

24. SERVICE OF NOTICES

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

25. MAGISTRATE'S COURT JURISDICTION

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

Maluti-a-Phofung

Municipality

C/O Moremoholo & Motloun
Setsing Business Centre
PHUTHADITJHABA
9866



Private Bag x805

WITSIESHOEK

9870

Tel: (058) 718 3700

Fax: (058) 7183775/7

Enquiries: Eugean. Malebo
(058) 7183871
0823066778
E-mail: signage@map.fs.gov.za

...../...../200.....

Registered Owner: Name.....

Street Address.....

.....Code

Dear Sir / Madam

RE: ILLEGAL OUTDOOR ADVERTISING

The inspection was done on...../...../200..... at you area, and it was found that you have

erected illegal advert at.....

It has come to our attention that the.....(type of outdoor advert) is illegal due to the following reasons:

1. No application forms were submitted to Maluti-A-Phofung Municipality.
2. No permission was granted to you by Maluti-A-Phofung Municipality to erect the outdoor advertising / or board.
3. Structure does not comply with National Building Regulations and Control Act 103 of 1977, and (outdoor advertising and signage by-law).
4. Provide the Municipality with proof of approval from the SANRA or Provincial Road Agency if sign is next to National or Provincial Road.

NB: A period of fourteen (14) days has been granted to registered owner to submit the application forms; if not the Municipality shall institute legal step as stipulated in Local Government Ordinance, 1962 (Ordinance No 8 of 1962). Therefore to avoid penalties in this regard, you are requested to submit your application form to our offices at Maluti-A-Phofung Municipality before:

Date...../.....200.....

With Regards

N. Mokhesi
Acting Municipal Manager

Maluti-a-Phofung

C/O Moremoholo & Motloung
Setsing Business Centre
PHUTHADITJHABA
9866



Municipality

Private Bag x 805

WITSIESHOEK
9870
Tel: 058 718 3700
Fax: 058 718 3775/7

CIRCULATION FORM OUTDOOR ADVERTISING & SINAGE

Registered Owner: Name.....

Street Address.....

.....Code.....

Telephone No: ()..... Fax No: ().....

Billboards	Poster & General	Wall & Structure	Travel & Tourism	Mobile	OTHER
------------	------------------	------------------	------------------	--------	-------

DEPARTMENT	RECOMMENDED SUBJECT	DATE	RECOMMENDED SIGNATURE
TOWN PLANNING			
PUBLIC SAFETY			
BUILDING INSPECTOR			
SIGNAGE ADMNI			

Approved		Not Approved	
----------	--	--------------	--

Signage Administrator

Date:...../...../200.....

Maluti-a-Phofung

C/O Moremoholo & Motloun
Setsing Business Centre
PHUTHADITJHABA
9866



Municipality

Private Bag x805

WITSIESHOEK
9870
Tel: 058 718 3700
Fax: 058 718 3775/7

Enquiries: Eugean. Malebo
(058) 718 3871
0823066778
[E-mail:signage@map.fs.gov.za](mailto:signage@map.fs.gov.za)

APPLICATION FOR OUTDOOR ADVERTISING & SIGNAGE

Registered Owner : Name

Identity Number

Company Address

Tel No

Fax No

E-mail address:

Position / area

Period:

Annual Fees:

Invoice No

Description (Size)	Quantity	Rates	Amount
		Scrutiny Fees	
		Total Amount	

Types of signs

Billboards		Poster & General		Wall & Structure		Travel & Tourism		Mobile		OTHER	
-------------------	--	-----------------------------	--	-----------------------------	--	-----------------------------	--	---------------	--	--------------	--

Signature of registered owner

Date:...../..... 200.....

L.E. Malebo
Signage Administrator

Date:...../..... 200.....

Maluti-a-Phofung

C/O Moremoholo & Motloun
Setsing Business Centre
PHUTHADITJHABA
9866



Municipality

Private Bag x805

WITSIESHOEK
9870
Tel: 058 718 3700
Fax: 058 718 3775/7

Enquiries: Eugene. Malebo
(058) 718 3871
0823066778
E-mail: signage@map.fs.gov.za

...../...../200.....

Registered Owner: Name.....

Street Address.....

.....Code

Dear Sir / Madam

RE: REMOVAL OF OUTDOOR ADVERTISING

The inspection was done on...../...../200.....at you area, and it was found that you have erected illegal outdoor advertising board at.....

It has come to our attention that the.....(type of outdoor advert) is illegal due to the following reasons:

.....
.....
.....
.....

.....
NB: A period of 3 days has been granted to registered owner to remove the outdoor advertising sign /or board; if not the Municipality shall institute legal step as stipulated in Local Government Ordinance, 1962 (Ordinance No 8 of 1962). To avoid penalties in this regard, you are requested to remove it before:

Date...../.....200.....

With Regards

N. Mokhesi
Acting Municipal Manager

