

PROVINCIAL NOTICE 753 OF 2024

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uMNGENI MUNICIPALITY: OUTDOOR ADVERTISING BY-LAW



Adopted by Council on the: 31st May 2022

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PART A: DEFINITIONS AND GENERAL PROVISIONS

1. Definitions

In these By-Laws, unless the context shows that another meaning is intended –

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

“advertisement” means any visible representation of a word, logo, name, letter, figure, object, mark, symbol, abbreviation, light or any combination thereof with the object of transferring information which is visible from any street or public place, but does not include a road traffic sign.

“advertisement area” means the total area used for the display of advertisements and is not restricted to a specific advertising sign.

“advertisements on ground level” means an advertisement placed at ground level which is aimed at aircraft traffic and not at the public travelling on roads and designed in such a manner as not to interfere with the natural environment and living creatures on that land.

“advertisement for sale of goods or livestock” means an advertisement announcing such a sale on land or premises not normally used for commercial purposes and includes an advertisement announcing auctions of household goods on residential properties, livestock or game on farms, or the proposed sale of property or land by means of a public auction to be advertised within the road reserve.

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

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

“advertising 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.

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

“advertising sign or sign” means any advertising structure built or erected to display an advertisement, together with an advertisement displayed on the structure.

“advertising structure” means any screen, fence, wall or other physical structure or object erected to display an advertisement or which is in itself an advertisement or used to display an advertisement.

“aerial sign” means any advertisement attached to or displayed on a balloon or similar device or which is in itself an advertising sign which is suspended in the air over any part of the area of jurisdiction of the uMngeni Local Municipality.

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

“animation” means a process whereby an advertisement’s visibility or message is enhanced by means of moving units or pictures, flashing lights or similar devices.

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

“approved” means to obtain approval through a formal application process by the Municipality and

“approval” has a corresponding meaning.

“arcade” means a covered pedestrian thoroughfare not vested in the Municipality, 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.

“area of control” refers to the degree of advertising control to be applied in a specific area, i.e. maximum, partial or minimum control as determined by the Municipality from time to time.

“area of jurisdiction” means the area under the control of the uMngeni Local Municipality according to the legally determined and declared boundaries of the Municipality.

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

“area of minimum control” includes, but is not limited to commercial areas, office blocks, shopping centres, industrial areas, transport nodes (such as taxi and bus ranks, railway

stations, airports etcetera) and mine dumps and surrounding mining land.

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

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

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

- (1) Affixed flat onto or painted on a parapet wall, balustrade or railing;
- (2) Affixed flat onto or painted on a fascia;
- (3) Affixed flat onto or painted on the fascia of a roof structure without walls;
- (4) Affixed to or painted on a pillar, column or post supporting a roof structure without walls; or
- (5) Painted or printed on the fabric of a blind.

“banner” means a piece of cloth or similar material upon which an advertisement is displayed in such a manner as to be fully legible in windless conditions, attached to one or more ropes, poles or attached to buildings or to specific structures, but excludes banners carried as part of a procession.

“basic landscape sensitivity” indicates the visual or aesthetic sensitivity of the landscape with regard to outdoor advertisements and advertising signs in terms of three basic landscape types, which are, in order of sensitivity, natural, rural and urban landscapes.

“billboard” means any static screen, board or three-dimensional device larger than 4,5m² and not exceeding 81m² supported by a structure, which is to be used or intended to be used for the purpose of posting, displaying or exhibiting an advertisement and can be classified as a small, large or superbillboard. This can be attached to a structure manufactured specifically for advertising, or to a structure of any other form, used to attach the advertisement to, which can include product replicas and bridges.

“bit of information” refers to the basic unit for measuring the length of advertising messages and shall consist of letters, digits, symbols, logos, abbreviations or graphics of any nature.

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

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

“candela” is the standard SI (per Second Luminous Intensity) unit of luminance intensity

relating to the illuminating power of a light source in a given direction.

“centre of economic activity” means a business or group of businesses outside of urban areas and which shall include farm stalls, roadside service areas, accommodation facilities, food services, industries and cottage industries as well as shops and other commercial facilities.

“centre point of intersection” means the point of contact between the centre lines of two roadways.

“clear height” means the minimum vertical distance from the natural ground, road or surface level, as the case shall be, to the bottom of the advertisement and / or to the advertising sign, whichever is the smallest.

“civil aviation authority” means the authority in terms of the Civil Aviation Act 13 of 2009 and Civil Aviation Regulation of 2011.

“combination sign” means an advertising sign comprising a number of smaller, individual advertisements, usually displaying different products or services, placed next to each other on a single free-standing advertising structure specially designed to accommodate more than one advertisement presented on an on-premises business advertising sign.

“commercial advertising” means any words, letters, object, mark, logos, figures, symbols, pictures relating to the name of a business, a trade, a partnership or an individual or any information, recommendation or exhortation in respect of any particular goods manufactured or sold or any particular services rendered or offered.

“competent authority” in respect of a listed activity or specified activity, means the organ of state charged by the National Environmental Management Act, 1998 (107 of 1998) with evaluating the environmental impact of that activity and, where appropriate, with granting or refusing an environmental authorization in respect of that activity.

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

“Council” means the uMngeni Local Municipality and includes the uMngeni Council or any officer employed by Municipality, acting by virtue of any power vested in the Municipality in connection with these By-laws and delegated to him / her.

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

“cut-outs” means letters, packages, figures or mechanical devices attached to the face of an outdoor advertising 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.

“degree of landscape sensitivity” means a refinement of basics landscape sensitivity, which

shall include, apart from a refined visual sensitivity, traffic safety conditions as criteria for sensitivity rating. Degree of landscape sensitivity is expressed in terms of area of control, i.e. areas of minimum, partial and maximum control, which are superimposed onto the three.

“density of residential area” refers to both population density (number of people per hectare) and intensity of land use or visual density (number of units per hectare and the nature of the units, for example. high-rise, low-rise or detached, as well as to the presence of non-residential functions).

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

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

“edge of roadway” means the boundary between the roadway and the shoulder, which is indicated by an appropriate road traffic sign, or by the absence of such sign, in the case of a road with bitumen or concrete surface, edge of sub-surface the case of any other road, the edge of the improved part of the road, intended for vehicle use.

“educational facility” means a primary or secondary school.

“EIA” means an impact assessment in terms of the National Environmental Management Act, (Act No. 107 of 1998) and Environmental Conservation Act, Act 73 of 1989, or as amended from time to time.

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

“electronic billboard” means an advertising sign not exceeding 36m² in advertisement area, which has an electronically controlled, illuminated display surface, which allows all or a portion of the advertisement to be changed, animated or illuminated in different ways.

“engineer” means an engineer registered in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000), or as amended from time to time.

“environmental authority” means the environmental controlling authority in terms of the National Environmental Management Act, Act 108 of 1998.

“erf” means an erf, stand, lot, plot, agricultural holding or similar land entity registered in a deeds registry.

“estate agent sign” means an advertising sign that is displayed to advertise the fact that land, premises, development or other forms of fixed property are for sale, to let, sold or on show.

“event” means an organized occasion for the general public.

“existing sign” means an advertising sign, which has been erected.

“face change” means that the advertisement content has been changed.

“façade” means the principle front or fronts of a building.

“flag” means a material upon which an advertisement is displayed and which is attached to a

single free-standing flag staff, pole or flagstaff projecting vertically from premises or projecting vertically, horizontally or at an angle from a building or boundary wall or boundary fence of a specific business property.

“flashing sign” means an advertising sign in which a symbol, figure, message or illustration intermittently appears and/or disappears and/or illuminated with varying colour or intensity.

“flat sign” means any advertising sign affixed to any external wall of a building used for commercial, office, industrial or entertainment purposes, but excluding a parapet wall, balustrade or railing of a veranda or balcony, which at no point projects more than 300mm from the surface of such a wall and which shall consist of a panel or sheet or of individual numbers, letters or symbols.

“fly-poster” means any poster, which is pasted by means of an adhesive directly onto a surface.

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

“free-standing sign” means any immobile advertising 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.

“freeway” means a road or section of a road designated as a freeway by the MEC by an appropriate road traffic sign in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996), or deemed to be a freeway.

“gantry” means a ground-mounted structure that spans over the entire width of a roadway (portal gantry) or a structure that spans over part of a roadway (cantilever gantry).

“height of advertising sign” means the maximum vertical distance from where the foundation of the sign starts, to the top of the advertisement and / or the advertising sign, whichever is the highest. The natural ground level shall not be altered for the purpose of erecting the sign.

“home-undertaking” means the practice of an activity at a dwelling-place with the aim of deriving an income there from.

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

“illuminated” in relation to an advertisement, means the installation of electrical equipment or other power for the purpose of illuminating the advertisement at night, either continuously or intermittently.

“illuminated advertising sign” means an advertising sign which has been installed with electrical or other power for the purpose of external or internal illumination, either continuously or intermittently of the advertisement displayed on such an advertising sign.

“inflatable sign” means any advertising sign erected and maintained by means of air or gas used for the purpose of posting or displaying any advertisement.

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

“landscape advertisements” means advertisements comprising of horticultural designs and can include but are not limited to flowers, grass, stones and ground cover.

“landscape sensitivity” refers to the visual or aesthetic sensitivity of the landscape with regard to outdoor advertising and signs, is expressed in terms of basic landscape sensitivity and degree of landscape sensitivity and shall also take traffic safety conditions into account.

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

“light not intended for illumination” means a flashing, flickering or continuous light source, beam of light or a number of such sources or beams, aimed or moved in such a manner as to attract attention, without being primarily for the purpose of illuminating an area or object.

“locality bound advertisement” means an advertisement displayed on a specific site, premises or building appropriate to business being conducted on or in the property on which the advertisement is to be displayed. The advertisement shall only refer to the name, logo and nature of the business on the premises and no product advertisement for sales of any kind are permitted on this advertisement.

“luminance” is a measure of how bright an illuminated area appears to the human eye and is measured in candela/m².

“M / m” means metre.

“mm” means millimetre.

“media owner” means a person, enterprise or organisation whom core business it is to generate an income from the sub-letting of the advertising space on an advertising structure.

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

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

“National Road Traffic Act” means the National Road Traffic Act, 1996 (Act No. 93 of 1996), or as amended from time to time.

“natural area / landscape” means an area outside and urban area which is in a natural state or is of high scenic value, and includes, but is not limited to, national parks, game reserves, nature reserves, scenic corridors and landscapes.

“non-locality bound advertisement” means any advertisement displaying any information over and above the name, logo and nature of the business on the premises, and which shall include any advertisement content and can include advertising of products for sale of any kind.

“non-media owner” means a person, enterprise or organisation whose core business is not to generate a quantitative income from the advertising space on an advertising structure.

“on-premises business advertising sign” means a free-standing sign on a specific site or premises aimed at identifying and locating businesses and industries, and shall only contain the name, logo and nature of the business on the premises. It excludes residential or community advertising signs.

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

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

“owner of the advertising structure” means the person who owns the advertising structure, or will own the structure once it has been erected, or any person who has a right to or share in the ownership of the advertising structure.

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

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

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

“pavelite” means a very small billboard located on the pavement or road reserve which is less than 4,5m² in size.

“policy” means the uMngeni Local Municipality Policy on Outdoor Advertising Control.

“portable advertising sign” means a moveable free-standing temporary advertising sign displayed on a forecourt of a business premises or sidewalk in front of business premises to draw attention to commercial services, goods for sale or other services available at the premises.

“portable flag” means a moveable free-standing flag displayed in front of business premises to draw attention to commercial services, goods for sale or other services available at the premises.

“poster” means an advertisement displayed or affixed to a receptacle against an electrical street light pole standard, or directly affixed to an electrical street light pole standard inside the road reserve.

“premise” means a tract of land including buildings or buildings and land or buildings or land.

“product replicas and three-dimensional advertising sign” means a replica or device used for advertising that shall be free-standing or attached to a structure and includes an inflatable object that is not an aerial sign.

“prohibited sign” means an advertisement, advertising structure or advertising sign, which is not permitted, or does not conform to advertising By-laws and cannot be approved.

“project sign” means an advertising sign displaying an advertisement with information regarding the relevant contractor(s) and / or consultant(s) involved in the construction project and displayed on the construction site.

“projecting sign” means any advertising sign, attached to and protruding from a building which is used for commercial, office, industrial or entertainment purposes and which projects more than 300mm from the surface of the main wall and is affixed at a right angle to the street line.

“property” means any piece of land whether registered or not in a deeds registry as an erf, lot, plot, farm, stand or agricultural holding.

“public place” means any road, street, thoroughfare, bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space vested in and/or owned by Municipality.

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

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

“receptacle” means a fixed poster display holder to be fixed to street light poles.

“refused” means an unfavourable outcome after submitting an application for consideration, and

“refusal” has a corresponding meaning.

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

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

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

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

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

“road median” means the area separating traffic lanes on a roadway.

“road reserve” means the full width of a public road, including roadways, shoulders,

sidewalks, the air space above it and all other areas from boundary to boundary.

“road reserve boundary” means the proclaimed boundary forming the outer edge of the road reserve.

“roadside service area” means an area with direct access from a municipal or provincial road in which facilities and services such as petrol and diesel sales, restaurants, fast food outlets, toilets, playgrounds and picnic spots shall be provided for motorists.

“road traffic sign” means any road traffic sign as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996).

“roadway” means the portion of a road, street or thoroughfare intended for vehicular traffic whether it has in fact been so improved, designed or constructed, which is between the edges of the travelled way and includes the surfaced shoulder.

“roof sign” means an advertising sign on the main roof of a building lower than or equal to fifteen floors and which building is used or partly used for commercial, office, industrial or entertainment purposes.

“rural area / landscape” refers to areas of transition between developed urban areas and relatively unspoiled areas and includes, but are not limited to agriculture land, farm land, rural small holdings, un-proclaimed township areas and areas outside the urban edge.

“SADC RTSM” means Southern African Development Control Roads Traffic Signs Manual.

“security advertising sign” means an advertising sign with an advertisement for neighbourhood watch, farm watch, security schemes and other similar schemes, and an advertisement containing the name, address and telephone number of a security company contracted to protect the premises on which the advertisements is displayed.

“semi-permanent flag” means an advertising sign attached to a single flagstaff projecting vertically from premises or projecting vertically, horizontally or at an angle from a building on the site or against the building or boundary walls/ fences where the business is located or attached to a free-standing flag staff on an approved site.

“service facility signs” means an advertising sign or advertisement at a filling station or roadside rest and service area referring to the types of services provided at such facility.

“shoulder” is the outer portion of the roadway which, whether surfaced or not, does not normally constitute part of the travelled way.

“si” means per second luminous intensity.

“sidewalk” means that portion of a verge intended for the exclusive use of pedestrians.

“signs incorporated into the fabric of a building” means a sign incorporated in and forming an integral part of the fabric of a building, in balance with the scale of the building.

“site” means the erf, plot, or any other piece of land on which the advertising sign, advertising structure or advertisement is, or is to be erected or mounted.

“silo” means a structure often cylindrical, used to store fodder, forage, grain etc.

“small billboard” means a static billboard larger than 4,5m² up to and including 18m² in area

of advertisement.

“stack sign” means a free-standing advertising sign in the road reserve displaying a combination of advertisements of several businesses on separate panels.

“static billboard” means a billboard displaying a fixed advertisement face, where the face is not changeable within seconds or minutes, but where a change of face has to be re-erected and affixed to the structure.

“storey” means the space within a building, which is situated between one floor level and the next floor level or ceiling above, or if there are no clearly defined storeys, the height of a storey shall be taken as 4,5m, except for the ground storey situated at the level of the adjoining natural ground, which shall be taken as 6m.

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

“street furniture” means public facilities and structures which are not intended primarily for advertising and includes seating benches, planters, pavement litter bins, pole-mounted litter bins, public transport shelters, sidewalk clocks and drinking fountains, but excludes road signs, traffic lights, street lights or any other road-related structures.

“street furniture advertisement” means advertisement on public facilities and structures which are not intended primarily for advertising and includes seating benches, planters, pavement litter bins, pole-mounted litter bins, public transport shelters, sidewalk clocks and drinking fountains, but excludes road traffic signs, traffic lights, street lights or any other road related structures.

“street name advertising sign” means a pole-mounted, illuminated street name sign displayed in combination with a double sided, internally illuminated advertising sign, to be provided according to requirements as set out in the Southern African Development Communities Road Traffic Signs Manual, November 1997 (SADC RTSM).

“street name sign” means a pole-mounted street name sign which shall be illuminated, i.e. a GL1 road traffic sign in the South African Development Communities Road Traffic Signs Manual (SADC RTSM).

“suburb name sign” means a pole-mounted road traffic sign (GL2 road traffic sign) at the entrance to a town or suburb that shall carry an advertisement panel, with certain specification, underneath the road traffic sign bearing the name of the town or suburb.

“super billboard” means a static billboard larger than 40m² up to and including 81m² in area of advertisement.

“swinging sign” means a sign not permanently fixed and able to swing or move with the impact of the wind.

“tariff” means the appropriate monetary charge, tariff or fee determined by Municipality.

“temporary advertisement or advertising sign” means an advertisement or advertising

sign displayed for a maximum period of 14 days as determined by the Municipality.

“township” means an area divided into erven or plots, whether with or without public open spaces, and into streets bounded by the erven, plot, or open spaces, and established or recognized as a township under any law.

“trailer advertising” means an advertisement mounted on a trailer, bicycle or vehicle, with the sole purpose of advertising.

“under-awning” means a sign not extending above or beyond any extremity or a parapet wall, balustrade, railing, beam or fascia, but shall hang or suspend from the position it has been affixed.

“urban area / landscape” means proclaimed township area, but excludes land in that area which is commonage land, or which is used or destined to be used mainly for farming or horticulture or the keeping of animals, or which consist of any other open space which has not been developed or reserved for public purposes.

“vehicular advertising” means advertising on self-driven vehicles which are usually moving on land or water, including taxi’s, buses, trains and delivery vehicles.

“visual zone” means the road reserve of a national road and any area that is visible from any spot on such road reserve, but does not include an area situated at a distance of more than 250 metres from the road reserve boundary of a freeway in an urban area.

“Window signs” means an advertisement, which are permanently painted on or attached to the window-glass of a building.

2. Application of these By-laws

(2.1) These By-laws are binding on the State and all relevant state organs, entities and state institutions.

(a) These By-laws are designed to regulate outdoor advertising in, on or visible from any public place within the area of jurisdiction of the uMngeni Local Municipality.

(b) Approval for outdoor advertising in terms of these By-laws is required irrespective of the zoning of any property in terms of any applicable town-planning scheme and irrespective of the provisions of any other law.

(c) The owner of an advertising sign, advertisement or advertising structure and any person who has applied for approval of an advertising sign, advertisement or advertising structure in terms of these By-laws must comply with any provision of these By-laws relating to that sign, advertisement or advertising structure and must ensure that such provisions are complied with, subject to anything to the contrary contained in such provisions.

(d) Compliance with these By-laws does not override the necessity or obligation to comply with the requirements of any other law governing any matter covered by these By-laws.

(e) Compliance with any other law governing matters also covered by these By-laws is a

precondition to the proper approval of any application under these By-laws; provided that approval granted in circumstances where there has not been proper compliance with any other law shall be deemed not to be proper approval.

3. Administration of applications

(3.1) These By-laws apply to all outdoor advertising in the area of jurisdiction of the uMngeni Local Municipality and are binding on all persons, including the State, state organs, state agencies and all state institutions, seeking to display or erect advertising signs or advertisements.

(3.2) No person shall display or erect any advertising sign or advertisement, or use any sign, structure or device as a sign, without first having obtained the written approval of the Municipality to do so, provided that no approval shall be granted in respect of signs which are prohibited in terms of section 49 of these By-laws.

(3.3) This section does not apply to signs which are exempted in terms of these By-laws.

(3.4) These By-laws are to be effectively and consistently administered, scheduled inspections of signage are to be held and offenders are to be fined or prosecuted. Provided that nothing contained in these By-laws or any other law shall render the uMngeni Local Municipality liable to any claim for damages for any failure to effectively and consistently administer these By-laws, to carry out scheduled inspections of signage or to fine or prosecute any offenders.

(3.5) Every application to display an advertising sign on private premises or on Municipal premises must be signed by the person and/or persons required by the Municipality and must be submitted to the municipality or delegated department on the appropriate application form, in accordance with the application procedures approved by the Municipality, as amended from time to time.

(3.6) The power and authority to administer any application submitted in terms of this bylaw shall be exercised by the Municipality or its delegated officials, or Municipal entity who may sub-delegate such power to any official under its control, any power, duty or function, granted or entrusted to Municipality in this regard.

(3.7) Every application, plan, drawing and other document submitted in terms of this section must be retained by the Municipality.

(3.8) No sign for which approval has been granted shall be erected otherwise than in accordance with any plan, drawing or other document approved by the Municipality or otherwise than in accordance with any condition imposed by the Municipality and the Municipality shall be notified in writing once any approved sign has been erected.

(3.9) The Municipality shall keep a register of every sign or advertising structure approved by it and shall allocate to it a unique registration number which must be displayed by the owner thereof on the sign in a suitable, clearly visible position and, if in the opinion of the Municipality it is necessary to do so, in any other place and in a manner to the satisfaction of the Municipality.

(3.10) Every approval given by Municipality shall be for a specified period only. A new application shall be submitted for any additional period, provided that the Municipality shall be under no obligation to grant an approval for any additional period by virtue only of the fact that it has previously granted an approval.

(3.11) Applications for advertising signs in the national road reserve or within the visual zone of the national road reserve boundary of a freeway in an urban area shall be subjected to recommendation by South African National Road Agency Limited, after municipal principle approval has been obtained. Such an advertising sign shall not be erected or displayed without the final written approval of Municipality.

(3.12) Applications for advertising signs in provincial road reserves or visible within 20m from provincial road reserve boundary shall be subjected to positive comments by the Provincial Authority, after municipal principle-approval has been obtained. Such an advertising sign shall not be erected or displayed without the final written approval of Municipality.

(3.13) Application for approval of outdoor advertising signs on Municipal road reserve or Municipal premises shall be approved by the delegated officials and the applicant must enter into a lease agreement with the municipality or delegated entity prior to erection of the sign in question.

(3.14) Municipality to sub-delegate such authority to enter into lease agreement with the applicant as indicated in (13) for the erection of an approved advertising sign on municipal road reserve and Municipal premises to Municipal Department or Municipal entity as it deemed fit.

(3.15) Approval by Municipality for the display and erection of a non-locality bound advertising sign shall be accompanied by the payment of an annual advertising fee as prescribed in the tariffs.

(3.16) Applications for advertising signs where an EIA is required in terms of the National Environmental Management Act, 1998 (107 of 1998) shall be subjected to the granting of a positive environmental authorisation by the competent authority. Such advertising signs may not be erected or displayed without the final written approval of Municipality and may only be erected and displayed in accordance with the general and specific conditions contained in an environmental authorisation and Council's final written approval.

4. Withdrawal or amendment of the Municipality's approval, appeal procedure

(4.1) Withdrawal or amendment of the municipality's approval

The Municipality shall, upon the giving of one month's written notice of its intention to do so, withdraw or amend any approval previously granted by it or impose any condition or further condition in respect of such approval at any time if in the opinion of the Municipality the advertising sign or advertisement:

(a) is or becomes detrimental to the environment or the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or materials, safety aspects, road safety considerations or for any other reason, provided that the Municipality shall, depending upon the nature and extent of any exigency, shorten and, if necessary, remove, the time periods prescribed herein, but only to the extent necessary to deal with such exigency, if the detriment is such that Municipality cannot be required to comply with the time periods prescribed

(b) is likely in the future to constitute or become a danger to any persons or property;

(c) falls into a state of disrepair;

(d) obscures, interferes with or obliterates other advertising signs, natural features, architectural features, specifically proclaimed heritage areas and buildings or visual lines of civic or historical interest;

(e) ceases to comply with these By-laws, as amended; or does not conform to the initial application approved, provided that Municipality shall not be required to comply with the provisions of this section if the nature and extent of the non-conformity is such as to render the advertisement or advertising sign substantially different from that for which approval was granted.

(f) That such amendment will be in the interest of the Municipality to do so.

(4.2) This subsection shall not apply to any advertisement or advertising sign if such

amendment will constitute the following:

- (a) constitutes a danger to any person or property;
- (b) is prohibited in terms of section 49 of these By-laws; or
- (c) is erected on the wrong location, site or erf.

(4.3) Any approval lawfully obtained from Municipality to erect an advertisement or advertising sign, shall comply with the conditions, failing which the -approval will automatically lapse if not complied with within 6 months from date of letter of approval.

(4.4) Notwithstanding sub-section (3) above, an applicant may apply to the Director: Economic Development Planning and Human Settlements for further extension of a period not exceeding 6 months, and such approval may be granted in the sole discretion of the Director: Economic Development Planning and Human Settlements or their nominee.

(4.5) Any person aggrieved by any decision taken by the Municipality pursuant to the provisions of sub-section (1) shall appeal in writing against such decision in which event such person shall comply with the procedure set out in Section (5).

5. Appeal procedure

(5.1) The appeal shall be lodged within 21 days of receipt of notice of such decision or within 21 days of the date of the coming into effect of a decision in terms of subsection (1), as the case shall be.

(5.2) Such appeal shall be made by lodging a notice setting out the nature and grounds of the appeal within the period contemplated in the subsection above with the Municipal Manager, in accordance with Section 62(4) of the Local Government: Municipal Systems Act, Act 32 of 2000, as amended,

(5.3) The Municipal Manager shall appoint a person who shall be an employee or official of the uMngeni Local Municipality or any other person, including a person not in the employ of the uMngeni Local Municipality, who, in the opinion of Municipality, is suitably qualified, to consider the appeal. The person so appointed must consider the appeal and must inform the appellant in writing of his or her decision and reasons therefore and such decision shall be final.

(5.4) Any complaints from the public (excluding an appellant) regarding the application of these By-laws shall be directed to the Municipality or delegated department; and the Municipality

must furnish a reply in writing to the complainant.

PART B: GENERAL CONDITIONS AND AREAS OF CONTROL APPLICABLE TO ALL ADVERTISEMENTS, ADVERTISING SIGNS AND ADVERTISING STRUCTURES

6. General requirements

(6.1) No advertisement, advertising sign or advertising structure shall:

- (a)** in the opinion of the Municipality constitute a danger to any person or property;
- (b)** be erected without written approval where such approval is required by any Act or Regulation or any other law;
- (c)** be detrimental to the environment or natural habitat of rare species or to the amenity of a human living environment by reason of size, shape, colour, smell, texture, intensity of illumination, quality of design or materials or for any other reason; or
- (d)** be permitted that emits a noise, sound, smoke, smell, odours or similar sensory stimuli.

(6.2) No advertisement shall display the Municipality's corporate identity and/or Coat of Arms or any aspect of these registered logos without prior consultation and written approval by the Municipality.

(6.3) All policies addressing advertising signage within the Municipality need to be adhered to.

(6.4) No person may, unlawfully dispose, dump or discard any advertising sign, advertisement structure or device for which that person no longer has any use.

(6.5) Signage which was not categorized and for which provision was not made in these By-laws, and which is not prohibited, will be addressed on an ad-hoc basis and considered by the Municipality granted that all the provisions and considerations will be applied and enforced.

7. Design, construction, and position on the site

(7.1) Any advertising sign:

- (a)** must, to the satisfaction of the Municipality be neatly and properly constructed and executed and finished in a workmanlike manner in accordance to the National Building Regulations and Building Standards Act, 1977, (Act No. 103 of 1977), as amended from time to time;
- (b)** must, to the satisfaction of the Municipality have a neat appearance and must consist of durable materials in accordance with the function, nature and permanence of the

advertisement, sign or structure and materials such as cloth, canvas, cardboard, paper or synthetic cardboard should be used only when essential to the nature and function of a particular advertising sign;

(c) must, to the satisfaction of the Municipality not deface building facades with electrical services provisions and other accessories;

(d) must, to the satisfaction of the Municipality be rigidly and securely attached, supported or anchored in a safe manner and so that unwanted movement in any direction is prevented;

(e) which spans or overhangs a roadway, must be provided with a catwalk so that advertisements face changes are effected from the catwalk and not from the road surface;

(f) must be capable of effectively securing, supporting and maintaining not less than twice its mass with the addition of any force to which the advertising sign shall be subjected, including wind pressure;

(g) must wherever necessary in accordance with the nature of the advertising sign and when attached to brickwork, masonry or concrete, be securely and effectively attached thereto by means of bolts securely embedded in such brickwork, masonry or concrete or passing through the same and secured on the opposite side;

(h) must, when attached to conservation-worthy buildings, be attached with the necessary expert advice in order to prevent damage to such buildings; and

(i) must be constructed and located at a height that discourage vandalism.

(7.2) An advertiser or contractor:

(a) shall not use water-soluble adhesive, adhesive tape or similar material to display or secure any advertising sign or advertisement elsewhere than on a structure provided for this purpose;

(b) must have all exposed metalwork of any advertising structure painted or otherwise treated to prevent corrosion and all timber treated to prevent decay;

(c) must ensure that in the case of the installation of guardrails, that sufficient length be allowed to accommodate tension forces and isolated sections of guardrail are not acceptable; and

(d) must have measures taken to prevent the entry of water into and the accumulation of water or moisture on or in any advertising sign or any part of its supporting framework, brackets or other members.

(7.3) No person shall, in the course of erecting or removing any advertising sign, advertisement structure or device, cause damage to the environment, including any tree or vegetation or, electrical standard or bulk service or other public installation or property.

(7.4) If an advertising sign contains glass, it must adhere to the following:

(a) all glass used in advertising signs (other than glass tubing in neon and similar advertising signs) must be safety glass at least 3 mm thick; and

(b) glass panels used in advertising signs must not exceed 0,900 m² in area, each panel being securely fixed in the body of the advertising sign, structure or device independently of all other panels.

(c) All glass used in a sign, other than glass tubing used in a neon and similar sign must be safety glass at least six millimetres thick.

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

(7.5) Before any advertising structure is erected, it must be considered by the Municipality, whether it is suitably positioned and orientated.

(7.6) No advertisement, advertising structure or advertising sign shall;

(a) obstruct any window or opening provided for the ventilation of a building or obstruct any stairway or doorway or other means of exit from a building or prevent the movement of person from one part of a roof to another part; or obstruct any fire escape or the means of egress to a fire escape;

(b) be painted on a boundary wall, bridges, any water tower, reservoir or silo;

(c) exceed the prescribed height in terms of these By-laws or the permitted height on that specific site or on the surrounding or adjacent sites in terms of the relevant Town Planning Scheme, as amended from time to time, or the approved zoning for the site of that specific site or the direct surrounding or adjacent sites, unless a relaxation has been obtained in terms of such Town Planning Scheme or unless specifically approved by the Municipality;

(d) encroach on the building restriction area unless a relaxation has been obtained in terms of the relevant Town Planning Scheme, as amended from time to time, and / or in terms of all the requirements from the other relevant road authorities;

(e) be erected within or over any building line or servitude, unless specific approval has been granted by the relevant authority;

(f) exceed the minimum clearance with regard to overhead power lines as prescribed in regulations 15 of the Electrical Machinery Regulations (No R1593 in GG11458 of 12 August 1988). (Permission must be obtained from the relevant supply authority before any advertising structure shall be erected in or close to a power line servitude);

(g) unreasonably obscure, partially or wholly, any advertising sign or advertisement owned by another person previously legally erected and legally displayed; and

(h) in any way be altered, moved or re-erected, nor shall any alteration be made to the electrical wiring system of such sign except for the purpose of renovating or maintenance, without the further approval of the Municipality.

(i) Shall not cause the obstruction of a fire hydrant or fire hydrant marking.

(7.7) All free-standing advertising signs located adjacent to a road reserve boundary of any road except a provincial road, must maintain a minimum distance from the road reserve boundary equal to the height of the advertising sign, measured from the nearest pole to the road reserve boundary.

(7.8) Where street trees and other plants do need to be removed or trimmed to ensure that the advertising sign, structure or advertisement remain visible then such steps must also, where applicable, be carried out in accordance with the applicable provisions of the Council's By-laws for the Planting, Pruning, Removal and Treatment of Street Trees. The cost thereof will be for the account of the applicant.

(7.9) All advertising signs or advertisements located directly adjacent to a national or provincial road reserve will be considered in terms of the criteria of that specific order of road, including but not limited to illumination, spacing, height, etc.

(7.10) If required by the Municipality, the structural drawing of an advertising structure must be certified by a professional structural engineer with relevant experience in terms of Part A19 of the National Building Regulations Act, Act 103 of 1977. The engineer must satisfy the Municipality that the structure will be adequate to secure, fix or support any advertisement, or screen to resist all loads and forces to which the advertising sign, structure, advertisement or screen shall be exposed and the sufficiency of the margin of safety against failure, in compliance with the provisions of regulation B1 of the National Building Regulations published under Government Gazette No. 9613, dated 1 March 1985, and as amended from time to time.

(7.11) any advertising structure or advertisement must, to the satisfaction of the Director: Economic Development Planning and Human Settlements:

- (a)** be neatly and properly constructed according to generally accepted design and construction standards;
- (b)** Have a neat appearance and be made of durable materials suited to the function, nature and permanence of the sign;
- (c)** Not deface building facades with electrical service conduits and other accessories;
- (d)** Be rigidly and securely attached, supported or anchored in a safe manner so that unwanted movement in any direction is prevented;
- (e)** Be capable of effectively securing, supporting and maintaining not less than twice its mass with the addition of any force to which the sign shall be subjected, including wind pressure;
- (f)** Wherever necessary in accordance with the nature of the sign and when attached to brickwork, masonry or concrete, be securely and effectively attached thereto by means of bolts

securely embedded in such brickwork,

- (g) Masonry or concrete or passing through the same and secured on the opposite side;
- (h) not be secured to the structure by water soluble adhesive, adhesive tape or similar material;
- (i) have all exposed metalwork painted or otherwise treated to prevent corrosion and all timber treated to prevent decay;
- (j) Have measures taken to prevent entry of water into, and the accumulation of water or moisture on or in the sign or any part of its supporting framework, brackets or other members.
- (k) If required by the Director: Economic Development Planning and Human Settlements shall be certified by a professional engineer.

(7.12) Any advertising sign shall not:

- (a) Obstruct any window or opening provided for the ventilation of a building or obstruct any stairway or doorway or other means of exit from a building or prevent the movement of person from one part of a roof to another part;
- (b) Be painted on any fence or boundary wall, except in an industrial area; If required by the Director: Economic Development Planning and Human Settlements shall be certified by a professional engineer.
- (c) On a premises, be higher than 8,5 m if freestanding unless specifically approved by the municipality in accordance with the relevant town planning scheme as amended from time to time;
- (d) Within a road reserve, be higher than 8,5 m unless an application for the relaxation of the height of the structure is submitted for approval and approved in terms of these bylaws;
- (e) Encroach on the building restriction area unless a relaxation has been obtained in terms of the relevant town planning scheme as amended from time to time;
- (f) Cover or impede access to any maintenance or inspection points on street lamp poles or other municipally maintained equipment;
- (g) Be constructed or erected in such a way that a street tree or similar planting must be removed, relocated or pruned to accommodate the sign. Unless with prior permission in terms of section (7.8).

8. Maintenance

(8.1) Any advertising sign as permitted must, at all times be maintained in good and safe condition to the satisfaction of the municipality.

(8.2) The owner of any land or building on which an advertising sign, structure or advertisement is displayed or erected, or attached, and the owner of any such advertising

sign, structure or advertisement shall be jointly and severally responsible for the maintenance thereof in a safe and proper condition, maintaining the surrounding area in a neat and tidy state and the cleaning and repainting of any such advertising sign, structure or advertisement with chemicals which shall not cause any negative impact. The owners will be liable for the consequences of not doing so, and must undertake at least one annual inspection thereof in order to comply with the Municipality's requirements.

(8.3) If, in the opinion of the Municipality, any advertising sign or any part thereof is in a dangerous or unsafe condition or has been allowed to fall into a state of disrepair or contravene these by-laws or otherwise. The Municipality shall serve a notice on an owner of the advertising sign, structure or advertisement and/or the owner of the land on which such is situated, requiring him at his own cost, to remove it or do other work specified in the notice within a period so specified. No compensation shall be payable by Municipality to any person in consequence of such removal. Failure to comply with (8.1) (8.2) and (8.3) constitute an offence and municipality may remove such advertising sign or institute legal action or both.

(8.4) The Municipality shall, instead of serving a notice, itself carry out the removal of an advertising sign or advertising structure or do other work which it shall deem necessary in the case where the advertising structure or sign is detrimental to the environment or amenity of the neighbourhood. The Municipality shall recover the cost thereof from the owner of the advertising structure, owner of the land or the owner of the advertisement. Where Municipality is the land owner, the cost shall not be recovered from the land owner.

(8.5) All advertising signs or any part thereof must be secured in a manner so as to not constitute a danger to the public. The land owner on which such advertising sign or advertisement is located and the owner of the advertising structure, assume all responsibility and liability, indemnifying the Municipality against any claim which shall arise. When Municipality is the land owner, the responsibility and liability is with the owner of the advertising structure and the Municipality is to be indemnified by the owner of the advertising structure.

(8.6) Any sign displayed for advertising or giving information regarding the name of the occupier of premises or nature of the business conducted on such premises, must be removed by the owner of the land forthwith upon the occupier of the premises ceasing to occupy the premises.

(8.7) No sign shall be erected or maintained in such a manner as to impede on landscaping, causing trees and other plants to be removed or trimmed to ensure that the advertising sign, structure or advertisement remain visible, without the consent of the Municipality.

The cost thereof will be for the account of the applicant.

(8.8) A sign must:

- (a) be located at a height that discourages vandalism;
- (b) be serviced on a regular basis;
- (c) be maintained in good repair and in a safe and clear condition.
- (d) The area immediately surrounding the sign must be maintained in a neat and tidy condition.
- (e) The owner of any sign shall be responsible for the maintenance in a safe, tidy and proper condition of the sign and the surrounding area.

9. Electrical and illumination

(9.1) Every illuminated advertising sign and every advertising sign in which electricity is used:

- (a) must have power cables and conduit containing electrical conductors positioned and fixed so that they are not unsightly in the opinion of the Municipality;
- (b) must be constructed of material which is not combustible;
- (c) must be provided with an external switch in an accessible position and if needed as directed by the Manager: Electricity Services, and at a height of at least three metres from the ground whereby the electricity supply to the advertising sign shall be switched off;
- (d) must be wired and constructed in accordance with and subject to the provisions of the Municipality's electricity supply by-laws;
- (e) no approved advertising sign shall be connected to any electricity supply without the prior written permission of the relevant electricity supply authority. It must be in accordance with the provisions of the "Standard Regulations for the Wiring of Premises" or any other standard rules for the electrical wiring of premises or structures. Such proof of such permission must be submitted if requested; and
- (f) which is likely to interfere with radio reception must be fitted with efficient suppressers.

(9.2) The following maximum luminance levels per square metre for all classes of advertisements that is permitted (as permitted by the International Commission on Illumination):

Illuminated area Maximum luminance

Less than 0,5 m² 1 000 candela/m²

Between 0,5 m² up to 2 m² 800 candela/m²

Between 2 m² up to 10 m² 600 candela/m²

10 m² or more 400 candela/m²

(9.3) The light source emanating from floodlights shall not be visible to traffic traveling in either

direction.

(9.4) Floodlighting must be positioned to ensure effective distribution and minimise light wastage or “spill”.

(9.5) Illumination is permitted on an advertisement or advertising sign only if it does not lead to unsafe driving conditions, or does not have a detrimental effect on the surrounding area and where it is specifically not prohibited.

(9.6) An advertisement or advertising sign shall not be illuminated unless the road is lit by overhead lighting over the full distance within which the advertisement is visible from that road and the source of the illumination is concealed from oncoming traffic.

(9.7) If an advertisement or advertising sign is visible from more than one road, the advertisement or advertising sign shall not be illuminated unless the direct adjacent road is illuminated. Should the advertisement or advertising sign be located in the road reserve of a provincial road, only that road needs to be illuminated.

(9.8) An electronic advertisement or advertising sign shall not inhibit the view of or cause discomfort to a driver or pedestrian or be in the direct line of sight of a traffic light.

(9.9) An electronic advertisement shall not have subliminal flashes.

(9.10) Light not intended for illumination shall only be utilised if it is allowed for in the plans of the Municipality.

(9.11) No light beam shall be moved or directed in such a manner as to distract the attention of drivers of vehicles from the task of driving.

(9.12) No light source or beam of light not meant for illumination shall be positioned or aimed to shine directly onto, or at, a public road.

(9.13) No advertisement or advertising sign shall, if illuminated, be erected in such a way that it shall have a detrimental effect on the amenity of a residential building on a residential zoned erf or, in the opinion of the Municipality, could be detrimental to the character or amenity of the neighbourhood.

(9.14) Before any advertising structure is erected, it must be considered by the Municipality,

whether the illumination of the advertisement or advertising sign is likely to distract drivers' attention from road traffic signs which are not illuminated.

(9.15) An electronic advertisement must be static for at least 5 seconds per advertisement or any part of the advertisement.

(9.16) In areas of maximum control, no internally illuminated sign inside a building shall be visible from outside the building.

(9.17) Every illuminated sign and every sign in which electricity is used, must:

- (a)** have power cables and conduits containing electrical conductors positioned and fixed in such a manner that they are not unsightly;
- (ii)** Be designed in such a manner that the sign is not a fire risk;
- (iii)** Be provided with an external switch in an accessible position and at a height of at least three metres from the ground by means of which the electricity supply to the sign shall be switched off;
- (iv)** Be wired and constructed in accordance with and subject to the provisions of all applicable laws and regulations.

10. Content, amenity and decency

(10.1) Advertisements positioned along roads and specifically targeting the road user must be concise and legible and must comply with the following requirements:

(a) Bit values shall be calculated as follows per element of an advertisement:

Words of up to eight letters, inclusive	1.0 bit
Words of more than eight letters	2.0 bits
Words such as "a, the, than, and, an"	0.25 bits
Numbers of up to four digits, inclusive	0.5 bits
Numbers of five to ten digits	1.5 bits
Symbol, logo or graphic	0.5 bits
Background graphics (depending on the destructiveness of the graphics)	1.0-3.0 bits

(b) The following signs must adhere to the number of bits and size of the text as indicated below:

Billboards, gantries, product replicas and three-dimensional advertising signs, sky signs, flat signs, advertising on bridges, landscape advertisements, advertisements on water towers,

reservoirs and silos, construction site advertising signs:

Speed of the road (km/h)	Bits allowable	Minimum size and height of letters
0 - 60	15	150mm
61 - 80	12	250mm
More than 80	10	350mm

(c) For all other type of advertisements, the text size must be a minimum of 50mm high, and must be considered by the Municipality for readability before it can be approved.

(10.2) An advertising sign must have a neat appearance in terms of advertisement content and sign writing, and shall not contain untidy handwritten messages. This must be done to the satisfaction of the Municipality.

(10.3) No message shall be spread across more than one advertisement, advertising sign or advertising sign panel.

(10.4) Numbers longer than ten digits are not permitted.

(10.5) No advertisement shall, in terms of its content, be in conflict with the guidelines or standards laid down from time to time by the Advertising Standards Authority of South Africa (ASASA), or any similar body recognised as representing the industry, be objectionable, indecent or suggestive of indecency or prejudicial to the public morals.

(10.6) Advertisement not provided for by ASASA, shall in the opinion of uMngeni Local Municipality, not contain any element which distracts the attention of drivers in a manner likely to lead to unsafe driving conditions.

(10.7) Before any advertising sign is erected, the advertisements must be considered by the Municipality, whether:

(a) the size of the advertisement, or any portion thereof by way of its colour, letter size, symbol, logo, graphics or illumination, will result in the advertisement having a distracting effect on the attention of drivers of vehicles to the task of driving and lead to unsafe driving conditions;

(b) the colour, or combination of colours, contained in the advertisement correspond with the colours or combinations of colours specified for road traffic signs under the National Road Traffic Act, 1996 (Act No. 93 of 1996);

- (c) the portrayal of a road traffic sign in the content of an advertisement will constitute a road safety hazard and could be mistaken to represent a road traffic sign;
- (d) the amount of information contained in the advertisement, measured in bits, is within prescribed limits.

11. Positioning and size concerning road safety and traffic considerations

(11.1) No advertisement, advertising structure or sign shall

- (a) in the opinion of the Municipality, be so placed as to distract the attention of drivers or pedestrians in a manner likely to lead to unsafe driving conditions;
- (b) be so placed, as to cause any obstruction to a motorist's view of the roadway or its approaches, regardless of the direction the motorist is travelling;
- (c) be so attached as, unless specifically provided for in the Southern African Development Community Road Traffic Signs Manual (SADC RTSM), to obscure, create confusion with or interfere with the functioning of a road traffic sign or signal or create a road safety hazard in the opinion of the roads authority;
- (d) be erected that is equal to or smaller than 4,5m²; unless specifically classified in these By-laws;
- (e) in the opinion of the municipality, obscure a pedestrian's or driver's view of pedestrians, road or rail vehicles and features of the road, railway or pavement such as junctions, bends and changes in width;
- (f) be erected closer than a minimum of 0,5m from the edge of the advertising sign to the vertically projected edge of the shoulder of the road; and 0,3m from a cycle path, footpath or sidewalk;
- (g) project over a sidewalk or pedestrian circulation route, unless the clear height of such an advertising sign exceeds 2,4m and for a cycle circulation route a clear height of 3,0m;
- (h) overhang onto a roadway or shoulder (if not on a bridge or a gantry);
- (i) project or overhang an adjacent erf boundary, except where specific consent has been granted by the relevant land owner, or over any road reserve boundary (excluding projecting signs, flat signs and permanent flags);
- (j) be located directly in front of, or behind a road traffic signal or in the opinion of the roads authority, constitute a road safety hazard.

(11.2) Before any advertising sign is erected, it must be considered by the Municipality, whether:

- (a) the size of the advertising sign, together with other advertising signs in the area, if any, will enhance clutter or affect the conspicuousness of road traffic signs by virtue of potential visual clutter;

(b) the number of road traffic signs and advertisements in any area constitute a driving hazard, due to the attention of drivers of vehicles being deviated from the task of driving and leading to unsafe driving conditions;

(c) the speed limit, and the measure of the traffic's adherence thereto, the traffic volume, the average following headway and accident history of the road demand more stringent control of outdoor advertising;

(d) the position of the advertisement or advertising sign will negatively affect the visibility of, sight distance to or efficiency of any road traffic sign, or series of such signs;

(e) the position of an advertisement or advertising sign would disrupt the flow of information from road traffic signs to drivers who encounter a series of road traffic signs intended for traffic regulation, warning or guidance;

(f) the position of any advertisement or advertising sign would potentially distract drivers' attention at places where traffic turns, negotiates curves, merges or diverges, or in the area of intersections or interchanges, or where drivers' uninterrupted attention to the driving task is important for road safety;

(g) the distance between advertising signs where the advertisement and the content of the road sign are visible from the same direction of travel before, between or behind any road traffic sign is of such a nature as to distract a driver's attention from any road traffic sign.

12. Areas of control

(12.1) Three areas of control apply - areas of maximum control, areas of partial control, and areas of minimum control. These areas of control address the potential interaction between basic landscape sensitivity and advertising sign impact. In addition, traffic safety is taken into consideration when it comes to the determination of an area of control.

(12.2) The evaluation of the advertising sign type versus the area of control (i.e. the degree of impact versus the degree of sensitivity) facilitates the establishment of actual advertising opportunities and constraints.

(12.3) In keeping with the SAMOAC (South African Manual of Outdoor Advertising Control) approach, and in terms of the vision for the Municipality, it is proposed that there is no such thing as an area without any form of control: minimum standards for all forms of outdoor advertising must be adhered to in order to give effect to the vision.

(12.4) Taking cognisance of those urban characteristics, which are specific to the Municipality area, the three control categories described above, namely "maximum", "partial" and "minimum" are proposed. The practical application of these control categories to the evaluation

of outdoor advertising applications is listed below. The land use categories described in the tables are purely generic and do not refer to a specific Town Planning Scheme. When an assessment is evaluated, the Town Planning Scheme applicable to the erf in question will be consulted for specific zoning details. Notwithstanding the designation of the areas of control, the Municipality shall approve the erection of an advertising sign or advertisement on Municipality owned land if there is no major impact on surrounding areas. In instances where the area of control is unclear, the legal activities on the property as well as the surrounding areas, will be used as a basis of determining the areas of control, in the instances such as undetermined and special.

(12.5) The following types of land uses can be classified under the areas of control, as listed below:

(a) Maximum Control

National Parks
 Game reserves
 Nature reserves
 Scenic corridors
 Scenic landscapes
 Agricultural land / Farm land – located outside urban edge
 Passive recreation areas such as parks and non-commercial squares
 Rural smallholdings
 Un-proclaimed township area
 Conservation areas and natural features inside the urban edge
 Scenic features and areas
 Historical and architectural sites
 All residential areas
 Plots and urban small-holdings (which are proclaimed)
 Home-undertakings within residential areas
 Specifically proclaimed heritage areas and buildings
 Cemeteries
 A stringent approval criterion applies in maximum area of control.

(b) Partial Control

Undeveloped open spaces
 Commercial enclaves, shopping centres and office blocks in residential areas,

Commercial ribbon development,
 Educational facilities and Universities, Technikons and Colleges
 Sports fields or stadiums
 Mine dumps and surrounding mining land
 Agricultural land / farm land located within Urban Edge
 Proclaimed residential township areas abutting commercial enclaves with (predominated by transport nodes)

(c) Minimum Control

Commercial areas
 Office blocks
 Shopping centres
 Industrial areas
 Transport nodes (such as taxi and bus ranks, railway stations, airports etc.)
 Proclaimed road and road reserves of arterial roads complimenting and accessing higher order routes

(d) If required, for whatever reason, the surrounding area, adjacent properties, or the current legal use shall provide guidance when determining the area of control.

PART C: CRITERIA FOR DIFFERENT TYPES OF ADVERTISING SIGNS AND ADVERTISEMENTS

13. Position and spacing

(13.1) The following criteria as included in Table 1 will apply, unless otherwise specified, for position and spacing requirements between any form or combination of any two of the following advertising signs or advertisements, namely:

Billboards, gantries, product replicas and three-dimensional advertising signs, flat signs, advertising on bridges, landscape advertisements and all other relevant advertising signs as required by Municipality.

Table 1: Position & Spacing Requirements

Speed	Distances required between advertising signs visible from each	Distances required between advertising signs and road sign where the	Distance required from advertising
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	other, measured from the nearest pole of the advertising signs	advertisement and content of the road sign are visible for the same direction of travel measured from the nearest pole of the advertising sign to the road sign, parallel along the road where the sign is located	signs to intersection measured from the nearest pole of the advertising sign to the centre of the crossroad, parallel along the road where the sign is located
0 ≤ 60	250m	50m	50m
61 – 80	250m	50m	80m
> 80	250m	200m	100m
SPACING REQUIREMENTS: SMALL ELECTRONIC BILLBOARDS			
0 ≤ 60	1.5KM apart	50m	100m
61-80	1.5KM apart	50m	200m
> 80	2KM apart	200m	200m

(13.2) A single sided advertising sign must be displayed perpendicular to or at an angle that is easy readable for the oncoming traffic. In the case of an advertising sign comprising of more than one side the advertisement must be displayed with the axis of symmetry perpendicular to the direction of the oncoming traffic.

14. Billboards

(14.1) The following criteria as included in **Table 2** will apply for billboards and any other advertising signs, as prescribed:

Table 2: Location, Size and Height

	Super Billboards	Large Billboards	Small Billboards	Electronic Billboards
Area of control	Minimum	Minimum / Partial	Minimum / Partial	Minimum / Partial
Size of advertisement	Larger than 40m ² up to and including 81m ²	Larger than 18m ² up to and including 40m ²	Larger than 4,5m ² up to and including 18m ²	Larger than 4,5m ² up to and including 36m ² . Larger than 37m ² up to 95m ² , conditions 14.4 below will apply
Speed (where permitted)	Any speed	Only on roads with speed limits less than or equal to 80 km/h	Only on roads with speed limits less than or equal to 80 km/h	Only on roads with speed limits less than or equal to 80km/h
Maximum Height of advertising sign	12,5m	10,5m	6m	7,5m

Billboards shall be permitted inside municipal road reserve or other Municipal owned land, with specific attention to:

- o Road Safety (Section 10),
- o Combination and clutter of advertising,

(14.2) The clear height of the advertising structure shall not be less than 2,4m.

(14.3) Criteria as included in Table 1 above, applies.

(14.4) An Environmental Impact Assessment shall be required. Such assessment shall be conducted by a specialist being a competent professional environmental practitioner who is registered with a professional body or association. Such EIA must include and contain Advertising Impact Assessment and Visual Impact Analysis in terms of the provisions of the Environmental Management Act, act 107 of 1998.

(14.5) Illumination is only permitted if the road along where the billboard is located, is illuminated, and only if it does not constitute a road safety hazard or cause undue disturbance. No animation is permitted, except for small electronic billboards.

(14.6) An advertising impact assessment (AIA) shall be required for an electronic billboard.

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(14.7) No super billboard or electronic sign shall be erected within a radius of 100m from the edge of any area of maximum control, measured from the nearest edge of the advertising sign, and no small billboard or large billboard shall be erected within a radius of 50m from the edge of any area of maximum control, measured from the nearest edge of the advertising sign.

(14.8) If positioned in the road reserve, the horizontal clearance of the footing or the upright of the advertising structure must be a minimum of 5m from the shoulder breakpoint of the road. In the event of a kerbed road, 4,5m will be permitted.

(14.9) The horizontal clearance of the footing or the upright shall be reduced to 2,5m, and must then be protected by guard rails.

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

15. Building wrap signs

(15.1) Building wrap signs will only be permitted in areas of minimum control.

(15.2) The height of advertising signs allowed in this class shall not exceed the extremities of the outside walls of the building and shall not exceed above the top of the building. The advertisement is not allowed within the first 6 metres from the natural ground level of the building.

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

- (a) Not on top of, or above the walls of a building.
- (b) Not project more than 1m from the walls of the building.
- (c) Shall not be painted or pasted directly on any wall.
- (d) Shall not encroach on the road reserve of any road at all.
- (e) Shall preferably be affixed against a fire wall
- (f) Shall not be closer than 3m from any opening that forms part of an emergency route.

(15.4) These advertising signs shall be externally illuminated from the bottom or the top, but shall not be animated. Illumination will not be permitted where it will impact on areas of partial or maximum control.

(15.5) The class consists of advertising signs fixed flat against any outside wall of a building made of vinyl mesh or similar material, in such a way that it will cover more than seventy percent of the total outside wall area of the building and that it will therefore create the

perception that the building is wrapped in one advertisement.

(15.6) An advertising impact assessment (AIA) shall be required.

(15.7) It must adhere to all the requirements stated in the National Building Regulations and Building Standards Act, Act 103 of 1977, or as amended from time to time, and must be approved by the Building Control Division of the Municipality.

(15.8) The advertising sign shall not obstruct any window, door, balcony, passage, staircase of a building, roof top, any means of egress to the fire escape, or any means of exit from a building or which will prevent the movement of persons from one part of a roof to another part thereof.

(15.9) It shall not be used against a building's side which relies on ventilation by means of openable windows, breakable panels or where it can hamper or have a negative effect on mechanical or natural smoke ventilation systems.

(15.10) The advertising sign, material and ink used on the sheet must be tested by an approved fire testing facility in South Africa. A test certificate must be submitted to Municipality for consideration.

(15.11) Proof to the satisfaction of the Municipality must be submitted to confirm that the building wrap will adhere to the Building Regulations and all the requirements.

(15.12) It will only be permitted for a period not exceeding one year (twelve months).

(15.13) Specific conditions shall be imposed by the Municipality.

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

16. Gantry advertising signs

(16.1) This class will only be permitted in areas of minimum control.

(16.2) No gantry shall be erected within a radius of 100m from the edge of any area of maximum control, measured from the nearest edge of the advertising sign. Should the uprights of a gantry be positioned adjacent to areas of minimum and partial control respectively, the area of control will be classified as minimum control.

(16.3) The size and height of advertising signs allowed in this class, are as follows:

(a) Size of advertisement: 36m² to 81m².

(b) Maximum height from the road surface to the top of the advertising sign: 12,5m.

(c) Minimum clear height of the advertising sign from the highest point of the road surface: 5,7m; except in the event where Municipality shall prescribe additional clearance.

(16.4) Criteria as included in Table 1 above apply, and in addition gantries must be spaced at least 1km apart on roads with a speed limit of ≤ 80 kph if visible from each other.

(16.5) This class consist of two types of gantries, namely:

(a) A portal gantry is a structure which is mounted on both sides of a road surface within the road reserve.

(b) Dependent on the width of the roadway, a maximum of two equal sized advertisement panels with a maximum size of 81m² each shall be considered next to each other on the same gantry structure and double in aggregate for the reverse sides.

(c) The two advertisement panels shall also be positioned back to back to form one unit.

(d) A cantilever gantry is a structure mounted with an overhang onto a shoulder or a roadway, erected within the road reserve on the median of a divided dual carriageway. Dependent on the width of the roadway, a maximum of two equal sized advertisement panels with a maximum size of 81m² each shall be considered, and must be displayed back to back. If the back display area does not flight an advertisement, it must be cladded at all times for aesthetical purposes.

(16.6) The horizontal clearance of the footing or the upright of the advertising structure must be a minimum of 5m from the shoulder breakpoint of the road. In the event of a kerbed road, 4,5m will be permitted.

(16.7) The horizontal clearance of the footing or the upright shall be reduced to 2,5m, and must then be protected by guard rails.

(16.8) Illumination of the sign is only permitted if the road along where a gantry is located is illuminated and only if it does not constitute a road safety hazard or cause undue disturbance. No animation is permitted.

(16.9) An advertising impact assessment (AIA) shall be required for any gantry.

(16.10) A gantry will be permitted inside a municipal road reserve, subject to acceptable compliance with the following criteria:

(a) Road Safety (Section 10)

(b) Combination and clutter of advertising

(c) Environment impact.

(16.11) The structure is to display an advertisement on display panels of the advertising structures at all times for aesthetical purposes.

(16.12) This class of advertising sign as well as the design of the advertising structure is subject to the approval of the Municipality.

17. Product replicas and three-dimensional advertising signs

(17.1) Product replicas and three-dimensional advertising signs will be permitted in areas of partial and minimum control.

(17.2) The size and height of advertising signs allowed in this class, are as follows:

(a) Size: Partial Control: Vertical Maximum: 1,5m

Diameter Maximum: 1m

Minimum Control: Vertical Maximum: 2m

Diameter Maximum: 1,3m

(b) Height from ground level to the top of the advertising sign:

Partial Control: 3m

Minimum Control: 4m

(17.3) A criterion as included in Table 1 above applies for advertising signs with non-locality bound advertisements.

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

(a) The relevant Consent use or Town Planning Scheme is applicable.

(b) One sign per street frontage (maximum two per site).

(c) If at shopping centres, the number of signs can be considered by Municipality.

(17.5) These advertising signs shall only be illuminated if the road is illuminated, animation shall not be permitted.

(17.6) This class consists of product replicas and other three-dimensional devices used for the purpose of advertising and shall be free-standing or attached to a building. This advertising sign type shall be associated only with shopping centres, or other commercial areas, or industrial areas.

(17.7) This class shall not include signage for small businesses on urban residential sites or on buildings that house residential home-undertakings and community institutions.

(17.8) Product replicas shall not dominate prominent architectural features of any building.

(17.9) No product replica or three-dimensional advertising sign shall be erected within a radius of 100m from the edge of any area of maximum control, measured from the nearest edge of the advertising sign.

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

18. Roof signs

(18.1) Roof signs will be permitted in areas of partial and minimum control.

(18.2) The size and height of advertising signs allowed in this class, are as follows:

(a) Size of advertisement area:

Partial / Minimum control: Maximum area: 18m² - 300m²

(b) Height: shall not be higher than the height restriction in terms of the relevant Town Planning Scheme.

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

(a) Only locality bound advertisements.

(b) Maximum one advertising sign per building.

(c) Bottom of sign not more than 120mm above roof.

(18.4) These advertising signs shall be illuminated, but not animated.

(18.5) This class consists of advertising signs which are fixed to the roofs of buildings lower than or equal to fifteen floors used or partly used for commercial, office, industrial or entertainment purposes, it shall also include any advertising sign consisting of a single line of free-standing, individual, cut-out, silhouetted letters, symbols or emblems.

(18.6) No roof sign shall be erected within a radius of 100m from the edge of any area of maximum control, measured from the nearest edge of the advertising sign.

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

19. Flat signs

(19.1) Flat signs will be permitted in areas of minimum and partial control. In areas of maximum control, only locality bound signs will be permitted.

(19.2) The size of advertising signs allowed in this class, are as follows:

Locality bound:

Maximum control: Maximum Area: Less than 20% per ground floor facade.

Partial & Minimum control: Maximum Area: Less than 30% per ground floor façade.

Shopping centres: Maximum Area: Less than 30% of specific façade.

Sponsor name or logo: Maximum of ¼ of total advertisement area.

Non-locality bound:

A maximum area of 50% of the wall area spaced at least 250m apart if the advertisement is simultaneously visible by travelling motorists, travelling towards the same direction.

(19.3) The position and spacing requirements and some general conditions for this class of advertising signs are as follows:

(a) Maximum control: One per business per street frontage.

(b) Partial & minimum control: Two per business per street frontage.

(c) Not to obstruct or conceal any windows or the view or light from such windows or any opening provided for the ventilation.

(d) Not to extend above top / beyond either end of wall.

(e) Shall not project more than 75mm if less than 2,4m above sidewalk or ground level or 300mm where an advertising sign is more than 2,4m above the sidewalk or ground level.

(f) Where locality bound and non-locality bound advertisement are located on one building, it shall not be combined, constructed or affixed in any manner on one wall.

(19.4) These advertising signs shall be illuminated but not animated.

(19.5) This class consists of advertising signs which are affixed to any external or main wall of a building used for commercial, office, and industrial or entertainment purposes, excluding a parapet wall, balustrade or railing of a veranda or balcony of such a building. It shall consist of a panel/sheet or of individual numbers, letters or symbols.

(19.6) An advertising impact assessment (AIA) shall be required for any flat sign of 36m² or larger.

(19.7) This advertising sign type shall not be applicable to buildings used for residential

purposes or for community services or community institutions, small businesses and practices on residential premises, or small scale residential-oriented accommodation.

(19.8) No non-locality bound flat sign shall be erected within a radius of 100m from the edge of any area of maximum control, measured from the nearest edge of the advertising sign.

(19.9) It must not obstruct any window or opening provided for the ventilation of a building or which obstructs any stairway or doorway of other means of exit from a building or which will prevent the movement of persons from one part of a roof to another part thereof.

(19.10) This class is subject to the approval of the Municipality, except locality bound flat signs smaller than 36m².

20. Advertisements on water tower, reservoirs and silos

(20.1) Advertisements on Municipality-owned water towers, reservoirs and silos will be permitted once the consent has been presented by the applicant from the facility and assets owner(s) and will be permitted and will be permitted in predominantly minimum control and not within close proximity of, or have an impact on any other area of control.

(20.2) Advertisements on private-owned water towers, reservoirs and silos will only be permitted in predominantly minimum control and not within close proximity of, or have an impact on any other area of control.

(20.3) The position and spacing requirements and general conditions for this class of advertisements are as follows:

(a) Where there is more than one water tower, reservoir or silo on one premises, locality bound advertisements shall be affixed/mounted on each individual structure.

(b) Only one advertisement per silo, water tower or reservoir structure will be permitted.

(c) Locality bound and non-locality bound advertisements shall not be combined / displayed on either one structure or separate structures on one premises.

(d) Only one non-locality bound advertisement will be permitted in a radius of 5km.

(e) Not to extend above the top/beyond the walls.

(f) Such signs shall at no point project more than 300mm from the surface of the shaped wall.

(20.4) These advertising signs shall be externally illuminated but not animated.

(20.5) This class consists of advertising signs which are affixed to, but not painted on, any

shaped wall of a private owned water tower, reservoir and silo. It shall consist of a panel, sheet or of individual numbers, letters or symbols.

(20.6) An advertising impact assessment (AIA) shall be required.

(20.7) The advertising sign must be shaped according to the out-line of the structure. This sign must consist of a separate structure which is properly affixed to the shaped wall.

(20.8) No advertising sign shall be erected within a radius of 50m from the edge of any area of maximum control, measured from the nearest edge of the advertising sign.

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

21. Advertising on bridges

(21.1) Advertisements on bridges will be permitted in areas of partial and minimum control.

(21.2) The size and height of advertising signs allowed in this class, are as follows:

(a) Size: Maximum area: 36m² per structure

The advertising sign shall not extend beyond the top of or above, below or beyond the extremities of the bridge.

(b) Clear Height Confined to clear height of a bridge

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

(a) Criteria as included in Table 1 above, applies.

(b) Not on bridges across any freeway.

(c) Not over any national or provincial road.

(d) A maximum of 2 advertising signs / bridge shall be permitted.

(e) Not projecting more than 0,3m from main wall of bridge.

(20.4) Illumination is only permitted if the road along where this advertising sign is located is illuminated and only if it does not constitute a road safety hazard or cause undue disturbance and if the source of illumination is concealed from oncoming traffic. Animation is not permitted.

(20.5) This class consists of advertising signs affixed to or on bridges not used primarily for advertising purposes.

(20.6) No invasive species as listed in the National Environmental Management: Biodiversity Act, 2004 (10 of 2004) or any applicable provincial legislation may be used in any landscape

advertisements.

(20.7) Any advertising sign permitted by this class must be affixed to the bridge in a manner which has been designed and erected to the satisfaction of the Municipality.

(20.8) No bridge advertising sign shall be erected within a radius of 100m from the edge of any area of maximum control, measured from the nearest edge of the advertising sign.

(20.9) This class is subject to the approval of the Municipality and positive comments to be obtained from relevant department.

22. Landscape advertisements

(22.1) The size of landscape advertisements will be determined by Municipality.

(22.2) Position and spacing requirements for this class of advertisement must be in accordance with Table 1

(22.3) This class of advertisements shall be permitted in road reserves and on embankments, but not on traffic circles, islands and medians.

(22.4) If these identified locations are utilized by pedestrians or cyclists, provision must be made for ease of movement, to the satisfaction of Municipality.

(22.5) These advertisements shall be illuminated, but not animated.

(22.6) This class consists of advertisements comprising of horticultural designs and can include but are not limited to flowers, grass, stones and ground cover.

(22.7) Advertisements in this class shall only display the name, logo and slogan of the advertiser.

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

23. Advertising signs at educational facilities and sport stadiums and fields

(23.1) Except billboards advertising structures and signs, which shall be in accordance with section 14 above.

(23.2) Advertising signs at educational facilities and sport stadiums and fields will be permitted in all areas of control.

(23.3) The size and height of the sponsored advertising signs indicating the name, are as follows:

(a) Size: Maximum of 12m²

(b) Height: Maximum of 5,5m.

(c) Clear height: 2,4m

(d) Sponsor name or logo: Maximum of $\frac{3}{4}$ of total advertisement area.

(23.2) A maximum advertisement area per 100m of street front of 40m² shall be permitted for the display or combination of advertising signs on boundary walls and fences, permanent flags and free-standing advertising signs smaller than 4,5m².

(23.3) Any other form of advertising sign or advertisement shall be displayed, subject to the criteria for that specific type of advertising sign or advertisement, with specific attention to cluttering.

(23.4) Only one sponsored advertising signs indicating the name shall be permitted per street frontage.

(23.5) Illumination is permitted in areas of minimum and partial control, while only limited external illumination shall be permitted in areas of maximum control, but not animated.

(23.6) This class consists of the display of advertising signs on boundary walls and fences, permanent flags, equal sized free-standing advertising signs smaller than 4,5m² and shall include a sponsored advertising sign indicating the name, along the street frontage of educational facilities and sport stadiums and fields.

24. Service facility signs

(24.1) Service facility signs will be permitted in all areas of control.

(24.2) The size and height of advertising signs allowed in this class, are as follows:

Speed of the road (km/h)	Maximum Height	Maximum Width
0 up to and including 60	7m	2m
61 up to and including 80	10,5m	3m
More than 80	15m	6m

(24.3) A maximum of eight advertisement panels shall be permitted per service facility sign and only one business or service shall be permitted per advertisement panel.

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

- (a)** Only at service facilities adjacent and directly accessible from road where sign is.
- (b)** One combination signs per site which shall be double-sided.
- (c)** Located according to requirements of roads authority.
- (d)** Not on road median or on island.
- (e)** If the advertising sign cannot be located on the site and has to be located in the road reserve, specific approval must be obtained both from the Municipality and the relevant roads authority. It should then be located as close as possible to the access and in front of the service facility site.

(24.5) These advertising signs shall be illuminated only if the facility is open 24 hours or during business hours of the specific service. No animation is permitted.

(24.6) This class consists of combination signs displayed at filling stations and roadside service areas (rest and service areas) which shall provide a variety of services such as fuel pumps, workshops, restrooms, car washes, shops, accommodation facilities, restaurants, fast food outlets and auto tellers.

(24.7) Advertisements on such combination signs shall refer only to the name and logo of a business, company or person providing a service or shall indicate the type of service provided. Only advertisements for locality bound services shall be permitted.

(24.8) Supplementary signs at roadside service areas, which do not form part of a combination sign permitted under this class, must be used for internal direction and orientation only and shall not be aimed at passing motorists.

(24.9) No sky cannons shall be displayed without specific approval from the Municipality.

(24.10) This class is subject to the approval of the Municipality, except locality bound canopy, internal direction and orientation signs at filling stations and road side rest and service areas.

25. On-premises business signs

(25.1) On-premise business signs will be permitted in the following areas of control:

- (a)** Individual advertising signs: All areas of control.
- (b)** Combination signs: Partial and minimum control

(25.2) The size and height of individual advertising signs allowed in this class, are as follows:

- (a)** Size: Maximum control: Maximum area: 6m²
Partial / Minimum control: Maximum area: 12m²
- (b)** Height: Maximum 7,5m (shall be increased to 10,5m if permitted in Town Planning Scheme).
- (c)** Sponsor name or logo: Maximum of ¼ of total advertisement area.

(25.3) The size and height of combination signs, are as follows:

- (a)** Size: Maximum 16m²
Maximum size shall be increased to 23m² if height restriction is relaxed in terms of the Town Planning Scheme. Minimum dimension per panel: 1m x 1m
Not less than four and not more than ten panels per side will be permitted
- (b)** Height: Maximum 7,5m
Height shall be increased to 10,5m if permitted in Town Planning Scheme
- (c)** Width of structure: Not less than 2,1m
Not more than 3m
- (d)** Clear Height: 2,4m

(25.4) The position and spacing requirements for these advertising signs are as follows:

- (a)** Only locality bound advertisements.
- (b)** Individual free-standing advertising signs will only be permitted if unable to affixed to the building.
- (c)** The relevant Consent use or Town Planning Scheme is applicable.
- (d)** One sign per street frontage (max two per site).
- (e)** Placed close to business or if not close or visible from road, then at entrance road.

(25.5) Preference will be given to combination signs. Combination signs shall incorporate several businesses on one sign, using a single panel per business.

(25.6) Illumination is permitted in areas of minimum and partial control, while only limited external illumination shall be permitted in areas of maximum control, but shall not be animated.

(25.7) This class consists of free-standing advertising signs with locality bound advertisements which are aimed at identifying and locating businesses and industries including farm stalls and businesses on farms and smallholdings.

(25.8) This class shall not include signage for small businesses on urban residential sites or on buildings that house residential home-undertakings and community institutions.

(25.9) Advertisements in this class shall refer only to the name, logo and nature of the business on the premises and no product advertising or advertising for sales of any kind are permitted on this advertising sign.

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

26. Projecting Signs

(26.1) Projecting signs will be permitted in all areas of control.

(26.2) The size and height of advertising signs allowed in this class, are as follows:

(a) Size: Maximum control: If below 6m: maximum 1,2m²

If above 6m: maximum 4m²

(b) Size: Partial /Minimum control: If below 6m: maximum 2,4m²

If above 6m: maximum 8m²

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

(a) Only locality bound advertisements.

(b) Only one per business façade.

(c) At an angle of 90° to the direction of oncoming traffic

(d) Horizontal distance between the edge of the advertising sign to the vertically projected edge of the shoulder: More than 0.5m.

(e) Shall not project more than 300mm from the surface of the main wall.

(26.4) These advertising signs shall be illuminated but not animated.

(26.5) This class consists of advertising signs which are affixed to an external wall of a building used for commercial, office, industrial or entertainment purposes.

(26.6) This advertising sign type shall not be applicable to buildings used for residential

purposes or for community services of community institutions, small businesses and practices on residential premises, or small-scale residential-oriented accommodation.

(26.7) A projecting sign shall encroach on a sidewalk. It shall not be fixed at a clear height of less than 2,4m and for a cycle path a clear height of 3,0m nor exceed 300mm in thickness.

(26.8) A projecting sign shall not extend beyond the top of any wall.

(26.9) This class is subject to the approval of the Municipality only if it overhangs Municipality land.

27. Advertising signs on boundary walls and fences

(27.1) Advertising signs on boundary walls and fences will be permitted in all areas of control. In areas of maximum control, only locality bound signs will be permitted.

(27.2) The size of the advertising signs allowed in this class, are as follows:

(a) Locality bound advertisement:

Maximum control: Maximum advertisement area 6m²

Partial / Minimum control: Maximum advertisement area 12m²

The relevant Consent use or Town Planning Scheme is applicable.

Sponsor name or logo: Maximum of ¼ of total advertisement area.

(b) Non-locality bound advertisement:

Maximum advertisement area per 100m street front: 36m²

Advertising signs are to be of equal size.

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

(a) Only one locality bound advertising sign per street frontage per premises.

(b) Non-locality bound advertising signs: Minimum spacing of 5 m intervals.

(c) It shall not extend above, below or beyond any extremity of the boundary wall or fence.

(27.4) This class of signs shall be illuminated, but not animated.

(27.5) This class consists of advertising signs affixed to a boundary wall or fence.

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

28. Painted advertisements

(28.1) Painted advertisements will be permitted in areas of partial and minimum control.

(28.2) The size of the advertisement allowed in this class, is as follows:

(a) Maximum Area: 36m² Locality bound: Maximum Area: Less than 20% per ground floor façade of the business

(b) Non-locality bound: Not permitted

(28.3) The position and spacing requirements for this class of advertisements are as follows:

(a) One advertisement per business per street frontage.

(28.4) These advertisements shall not be illuminated or animated.

(28.5) This class consists of advertisements painted directly on the main walls or roofs of a building used for commercial, office, industrial or entertainment purposes.

(28.6) An advertising impact assessment (AIA) shall be required for painted advertisement in excess of 36m².

(28.7) An AIA must be conducted by a qualified environmentalist and which assessment must include a specialist report of the environmental impact of the advertisement.

(28.8) Painted roof signs shall only be locality bound and painted on industrial buildings.

29. Advertisements on ground level

(29.1) This class will only be permitted in areas of partial and minimum control and not outside the proclaimed urban area.

(29.2) The size of the advertisement will be subject to the space available.

(29.3) The position and spacing requirements for this class of advertisements are as follows:

(a) Shall not span over more than one property.

(b) Only one advertisement per 2 kilometre radius.

(c) Only permitted to be parallel to ground level and shall not be elevated at any point, more than 500mm from the natural ground level.

(d) Shall not be placed on natural ground with a steeper gradient than 1:100.

(e) Shall not be aimed at motorists travelling on public roads.

(29.4) These advertisements shall not be illuminated or animated.

(29.5) This class consists of advertisements placed at ground level which is aimed at aircraft traffic and not at the public travelling on roads and designed in such a manner as not to interfere with the natural environment and living creatures on that land.

(29.6) An environmental study must be submitted with the application, undertaken by a qualified Environmental practitioner.

(29.7) Approval must be obtained from all relevant authorities, including but not limited to the Civil Aviation authority and the Environmental authority.

(29.8) Advertisements in this class shall only display the name, logo and slogan of the advertiser.

(29.9) No advertising sign shall be erected within a radius of 100m from the edge of any area of maximum control, measured from the nearest edge of the advertising sign.

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

30. Security advertising signs

(30.1) Security advertising signs will be permitted in all areas of control.

(30.2) The size and height of advertising signs allowed in this class, are as follows:

(a) Size: Security services signs: Maximum area: 0,35m²

Neighbourhood and farm watch: Maximum area 1,5m²

(b) Height: Maximum 3m

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

(a) Security services signs:

(i) One advertising sign per street frontage firmly affixed to the building, boundary wall, fence or gates or on the stand.

(ii) Minimum spacing of one per 30m length of street boundary.

(b) Farm watch advertising signs:

(i) At the junction or intersection of a public road and private access road or at the entrance to an individual farm.

(ii) Only one advertising sign per farm shall be permitted.

(c) Neighbourhood watch advertising signs:

(i) Within a municipal road reserve, at the points where the watch areas are entered.

(d) Not on a road island or median.

(30.4) These advertising signs shall not be illuminated or animated.

(30.5) This class consists of an advertising sign which shall only refer to the existence and operation of neighbourhood watch, commercial security service, burglar alarm system, farm watch and similar watch schemes.

(30.6) This class is subject to the approval of the Municipality, except for security services signs.

31. Veranda, balcony, canopy and under-awning advertising signs

(31.1) Veranda, balcony, canopy and under-awning advertising signs will be permitted in all areas of control.

(31.2) The height of signs allowed in this class are as follows:

(a) Clear Height: 2,4m.

(b) Projection: 100mm from surface.

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

(a) One per business façade.

(b) Shall be suspended above sidewalks

(c) Shall not extend above, below or beyond any extremity or a parapet wall, balustrade, railing, beam or fascia;

(31.4) These signs shall be illuminated but not animated.

(31.5) This class consists of balcony, veranda, canopy and under awning signs which are:

(a) Affixed flat onto or painted on a parapet wall, balustrade or railing of a veranda or balcony;

(b) Affixed flat onto or painted on a fascia of a veranda or beam over veranda columns;

(c) Affixed flat onto or painted on the fascia of a roof structure without walls such as a roof covering petrol pumps at a service facility (filling) station;

(d) Suspended below the roof of a veranda or balcony (under awning signs);

(e) Placed on top of a roof or veranda;

(f) Affixed to or painted on a pillar, column or post supporting a veranda, balcony or a roof

structure without walls;

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

32. Residential home-undertaking and community institution signs

(32.1) Residential home-undertaking and community institution signs will be permitted in all areas of control for home-undertakings and community institutions.

(32.2) The size and height of advertising signs allowed in this class, are as follows:

(a) The size of the home-undertaking sign shall not exceed 1,5m²

(b) The size of the community institutions sign shall not exceed 3m²

(c) The height shall not exceed 3m for free-standing signs.

(d) The relevant Consent use or Town Planning Scheme is applicable.

(e) Sponsor name or logo: Maximum of ¼ of total advertisement area.

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

(a) Only locality bound advertisements on boundary wall, fence, gates.

(b) Farm/small holdings sign: Next to entrance of access road or on gate of entrance.

(c) Free-standing only when not possible to fix to building / wall / boundary fence limited to one sign only.

(d) One sign per undertaking or institution per street frontage.

(e) Only locality bound advertisements.

(f) Not in road reserve.

(32.4) These advertising signs shall be illuminated except advertising signs in natural and rural areas of control. These advertising signs shall not be animated.

(32.5) This class consists of signs for small business and practices on urban residential premises and includes signs for community institutions and facilities such as religious, cultural, recreational, and certain medical and similar institutions.

(32.6) The sign shall only indicate the name, logo and nature of the undertaking or institution and no product advertising or advertising for sales of any kind are permitted on this advertising sign.

33. Sponsored road traffic projects

(33.1) Sponsored road traffic projects will be permitted in all areas of control.

(33.2) The size and height of advertising signs allowed in this class, are as follows:

- (a)** Size: Maximum area 4,5m²
- (b)** Height: Maximum 3m
- (c)** Sponsor name or logo: Maximum of $\frac{3}{4}$ of total advertisement area.

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

- (a)** Inside all metropolitan road reserves but not on road island or median.
- (b)** Spacing if on same side of road: 1km.
- (c)** Not combined with or attached to road traffic sign.
- (d)** No road traffic sign or symbol used in any road traffic sign shall be used.

(33.4) These signs shall not be illuminated or animated.

(33.5) This class consists of advertising signs relating to the sponsoring of projects specifically intended for road users aimed at the provision of road services, the promotion of road safety or the management and conservation of road side environments.

(33.6) This type of advertising sign will only be permitted for a period of twelve months. Thereafter approval can be renewed subject to a new application being submitted and in terms of conditions as the Municipality deems fit.

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

34. Sponsored Adopt a Park Project

(34.1) Sponsored Adopt a Park projects will be permitted on parks in all areas of control.

(34.2) The size and height of advertising signs allowed in this class, are as follows:

- (a)** Size: Maximum area 6m²
- (b)** Height: Maximum 5,5m
- (c)** Sponsor name or logo: Maximum 4,5m²

Prescribed size: Width: 3m

Length: 1,5m

- (d)** Park's name: Maximum 1,5m²

Prescribed size: Width: 3m

Length: =0,5m

- (e)** Minimum Clear height 2,4m

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

- (a) Inside all Municipal parks but not in road reserves, on road islands or medians.
- (b) Spacing if on same site: 100m.

(34.4) These signs shall not be illuminated or animated.

(34.5) This class consists of advertising signs relating to the sponsoring of adopt a park projects specifically intended for businesses who maintain a specific park.

(34.6) This type of advertising sign will only be permitted for a period of twelve months. Thereafter approval can be renewed subject to a new application being submitted and in terms of conditions as the Municipality deems fit.

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

35. Vehicular advertising

(35.1) Vehicular advertising will be permitted in all areas of control.

(35.2) These advertising signs shall not extend beyond the edges of the vehicle.

(35.3) The vehicle shall not be parked in the road reserve with the sole purpose of advertising.

(35.4) These advertisements shall not be illumination or animated.

(35.5) This class consists of advertisements on self-driven vehicles which are normally moving on land or water, including taxis, buses, trains and delivery vehicles.

36. Trailer advertising sign

(36.1) A trailer advertising sign will be permitted in areas of partial and minimum control.

(36.2) The size and height of advertising signs allowed in this class, are as follows:

- (a) Size: Maximum area: Single-sided: 18m²
Double-sided: 36m²
- (b) Height: Maximum 3,5m

(36.3) The position and spacing requirements and some general conditions for this class of advertising signs are as follows:

- (a)** Shall be positioned in all urban road reserves under the jurisdiction of the Municipality, excluding all freeways, Provincial and National roads.
- (b)** Shall not be placed on a road median, road island or traffic island.
- (c)** Shall not in any way interfere with the sight distances of motorists.
- (d)** Shall not obstruct pedestrian movement.
- (e)** At least 50m from the centre of the intersection.
- (f)** Shall not be less than 250m apart.

(36.4) These advertising signs shall not be illuminated or animated.

(36.5) This class consists of an advertisement mounted on a trailer, bicycle or vehicle with the sole purpose of advertising shall only be displayed if it is mobile or displayed at a specific designated location as determined by Municipality.

(36.6) Upon approval of an application for a trailer advertising sign, a disc will be issued by the Municipality which must be displayed at all times on the trailer advertising sign itself.

(36.7) No trailer advertising shall be placed in a street unless the prescribed license tariff is paid to the Municipality.

(36.8) The display period shall not exceed 6 months.

(36.9) The content is subject to approval of the Municipality.

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

37. Construction site advertising signs

(37.1) Construction site advertising signs will be permitted in all areas of control.

(37.2) The height of advertising signs allowed in this class, are as follows:

Construction Site Building Wrap:

Not exceeding the top of the building or multi-storey parking garage, or in the event of a Construction site boundary sign: A maximum of 10,5m if permitted in terms of the relevant Town Planning Scheme.

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

- (a)** Not on top of or above the fence or wall.
- (b)** Not project more than 0,1m from boundary wall or fence.
- (c)** Shall not be painted/ pasted directly on construction site boundary wall.
- (d)** Shall not encroach on the road reserve unless insufficient space on the erf.

(37.4) These advertising signs shall be externally illuminated from the top, but shall not be animated. Illumination will not be permitted where it will impact on areas of maximum control.

(37.5) The class consists of advertising signs fixed flat against any fence or wall where such fence or wall forms the boundary of a site where construction work is being carried out, or affixed to walls of unoccupied buildings undergoing construction, renovation or maintenance, or affixed to a multistorey parking garage, or against the scaffolding erected for that purpose to conceal unsightly construction.

(37.6) An advertising impact assessment (AIA) shall be required.

(37.7) A construction site building wrap or advertising signs attached or affixed to boundary fences of construction sites, are to be uniform in size and aesthetically pleasing.

(37.8) These signs shall be erected on condition that such advertising signs will conceal an unsightly condition arising out of the use to which the property is lawfully being put, and on condition that such advertising signs shall be making a positive contribution to the visual environment, and not for the sole purpose of advertising. A building shall only be wrapped when un-occupied and during construction, renovation or maintenance. A construction site boundary sign shall only be displayed while construction is taking place on the specific site.

(37.9) Proof to the satisfaction of the Municipality must be submitted to confirm that the building or site is under lawful construction.

(37.10) It will only be permitted for a period of twelve months, or for the duration of the construction, renovation or maintenance work whichever is the shorter. Thereafter the approval can be renewed subject to a new application be submitted and in terms of conditions as the Municipality deems fit.

(37.11) Specific conditions shall be imposed by the Municipality in the event where non-locality bound signs are in close proximity or on the construction site.

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

38. Project and development advertising signs

(38.1) Project and development advertising signs will be permitted in all areas of control.

(38.2) The size and height of advertising signs allowed in this class, are as follows:

(a) Project sign:

(i) Maximum size: 1,5m² per consultant.

(ii) Maximum size: 9m².

(iii) Height: Maximum 5,5m.

(iv) Clear Height: 2,4m.

(b) Development sign:

(i) Maximum size: 6m² in maximum control area.

(ii) Maximum size: 12m² in partial and minimum control area.

(iii) Height: Maximum 5,5m.

(iv) Clear Height: 2,4m.

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

(a) Project sign:

(i) One sign per street-front on the specific site.

(ii) Not in road reserve.

(iii) Only road construction signs will be permitted within the road reserve.

(b) Development sign:

(i) Only one development advertising sign per street frontage per development on the specific site.

(ii) Only one additional sign with supplier detail is permitted per development.

(iii) Signs indicating supplier details shall only be erected within the site and shall not be positioned where intended for or visible by passing vehicle or pedestrian traffic.

(iv) Not in road reserve.

(38.4) Requirements applicable to PROJECT SIGNS:

(a) Project signs shall not be illuminated or animated.

(b) Project signs consist of advertising signs displaying the involvement of contractors and consultants in minor or major construction projects or alterations to existing structures or facilities and the development advertisements describes the type of development.

(c) The advertisement shall describe only the building or structure being erected or other work

or activity being carried out during the duration of the project, and the names of the contractors or consultants concerned in such work or activity. The branches of the industry or the professions of the contractors or consultants shall be listed.

(d) Individual or single signs must be displayed only if no other consultants or contractors are involved or if a combined project sign has already been erected.

(e) Only one advertisement or advertising sign per contractor or consultant shall be permitted per street frontage of a site, while in areas of maximum control, only one advertisement or advertising sign per contractor or consultant per project shall be permitted.

(f) Project sign concerning road construction shall be positioned in any road reserve.

(g) Project sign must be displayed only during the period when the construction works are actually taking place on the site.

(38.5) Requirements applicable to DEVELOPMENT SIGNS:

(a) Included are advertisements describing the type of development being carried out on a site and giving details such as the type of accommodation being provided, floor space available and the name, address and telephone number of the developer or his agent.

(b) A visual presentation or description of the building or structure being erected shall also be included.

(c) Advertising signs or advertisements indicating supplier details are to be combined on only one sign per development and restricted to a maximum of nine uniform panels on the sign.

(d) Development advertising sign shall be illuminated, only if the road is illuminated, but shall not be animated.

(e) Only while relevant development is taking place.

(f) This type of advertising sign must be removed within 30 days after the issuing of the Occupancy Certificate.

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

39. Aerial signs

(39.1) Aerial signs will be permitted in areas of partial and minimum control.

(39.2) No shape or size restriction for these advertising signs.

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

(a) Not closer than 5 nautical miles from the aerodrome reference point of an aerodrome.

(b) Not above a public road.

(39.4) These advertising signs shall not be illuminated or animated. A moored airship shall be

illuminated.

(39.5) This class consists of aerial signs painted on, attached to or produced by an aircraft, such as a captive balloon, a kite, an unmanned free balloon, a manned free balloon, an airship (moored), an airplane (banner towing or smoke signals), a craft for parasailing, a hang-glider, a model- or radio-controlled aircraft, and an aircraft towed behind a vehicle or vessel for the purpose of flight.

(39.6) An aerial sign shall not be flown without the permission of the Commissioner of Civil Aviation.

(39.7) With the exception of moored airships, aerial signs must be displayed in daylight hours during the course of the event only for a period not exceeding one month.

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

40. Estate agent signs

(40.1) Estate agent signs will be permitted in all areas of control.

(40.2) The size and height of advertising signs allowed in this class, are as follows:

Maximum size: Non-residential vacant erf / Commercial or Industrial Property: 12m²

Commercial or industrial property along streets with a speed limit ≤80km/h :

18m² Maximum Height: Non-residential vacant erf / Commercial or Industrial Property:

5,5m Size: All other signs: 0.6m x 0.45m

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

(a) Placed close to a boundary fence or within boundary of erf for residential properties.

(b) Placed within the boundary of the erf for Non-residential vacant erf / Commercial or Industrial Property

(c) Maximum one advertising sign per agency per street front.

(d) Maximum three advertising signs per erf per street front for residential properties

(e) Maximum five advertising signs per erf per street front for non-residential vacant erf/land, commercial and industrial property.

(f) Non-residential vacant erf/land, commercial and industrial property will not be permitted in the road reserve.

(40.4) These advertising signs shall not be illuminated or animated.

(40.5) This class consists of advertising signs which are temporarily displayed, by the owner or its agent, to advertise the fact that land, premises, development or any other form of real estate is for sale, to let, sold or on show.

(40.6) All advertisements in this class shall contain only the words 'For Sale', 'To Let', 'Sold' or 'On Show' and the name, logo, address and telephone number of the selling agent or letting agent.

(40.7) The erection of 'On Show' estate agents' signs on streets reserves shall be permitted on public holidays from 05:00 on condition that they be removed before 20:00 on that day and after 12:00 on Fridays on condition that they be removed before 12:00 on the following Monday.

(40.8) An advertising sign shall consist of a single sign or two duplicate signs joined at an angle of 120°.

(40.9) The advertising signs must be placed at or affixed to the building concerned, or attached to the boundary fence of the premises concerned, or displayed within the boundaries of such premises, or in the event of an advertising sign for residential purposes, the advertising sign shall be displayed on the sidewalks to a maximum of 1 metre away from the boundaries of such premises.

(40.10) "On Show" estate agent signs shall be allowed to be displayed within the road reserve in the event of the advertising sign being a residential advertising sign. Advertising signs shall not be displayed on road islands or medians. 'On Show' signs shall be displayed from the nearest Class 3 road with no less than 60m intervals between the signs, and no more than 10 signs being displayed at any one time. This includes "On Show" signs for new developments.

(40.11) All 'For Sale' and 'To Let' signs must be removed no later than 3 days after completion of the sale or granting of the tenancy.

(40.12) 'Sold / Let' signs shall be displayed for a period not exceeding 30 days after completion of the sale or letting.

(40.13) 'On Show' signs for new developments shall be erected for a period of six (6) months where after an extension of an additional six (6) months shall be obtained at the discretion of the Municipality. All such signs must display a sticker obtainable from the Municipality

confirming legality.

(40.14) No advertisement relating to the sale, show or lease of a fixed property shall be displayed in any manner or in view of any street, unless the prescribed annual license tariff is paid, particulars of the concerned estate agency are recorded on a database, and the necessary prescribed license is issued by the Municipality.

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

41. Portable advertising signs

(41.1) Portable advertising signs will be permitted in all areas of control.

(41.2) The size and height of advertising signs allowed in this class, are as follows:

(a) Size:

Maximum area: Single sided: 0.75m²

Double sided: 1.5m²

Maximum area per forecourt frontage / premises: 3m²

Filling stations & roadside service areas:

Maximum area per forecourt frontage / premises: 8m²

(b) Height: Maximum 1m.

(41.3) The position and spacing requirements and some general conditions for this class of advertising signs are as follows:

(a) In forecourts of businesses or on sidewalk in front of business premises.

(b) Free-standing and moveable.

(c) Not be positioned in such a way as to interfere with pedestrian circulation.

(41.4) These advertising signs shall not be illuminated or animated.

(41.5) This class consists of moveable free-standing temporary advertising signs displayed in forecourts of business and on sidewalks in front of business premises to draw attention to any commercial services, goods for sale, or other services available at the premises.

(41.6) A maximum of one sign is permitted per business only during business hours, and must be removed from the forecourt or sidewalk on close of business at the end of normal trading hours.

(41.7) Hand-written messages are permitted on signs provided for this purpose.

(41.8) No portable advertising sign shall be displayed in any manner or in view of any street, unless the prescribed annual license tariff is paid, particulars of the concerned business is recorded on a database, and the necessary prescribed license is issued by uMngeni Municipality.

(41.9) Upon approval of an application for a portable advertising sign, a disc will be issued by Municipality indicating the period for which approval is granted. The disc must be displayed at all time on the portable advertising sign.

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

42. Banners and flags

(42.1) Banners and flags will be permitted in all areas of control.

(42.2) This class consists of two categories namely, banners and flags:

(a) Banners: Banners erected to advertise public and charitable events, functions, occasions, meetings or campaigns of a religious, educational, cultural, political, social, sporting or recreational nature. This includes banners erected to advertise an auction as well as public awareness and community based campaigns and notices of a public meeting. It also includes banners for parliamentary or municipal elections, by-elections, referenda and registration process.

(b) Flags: Semi-Permanent and portable flags displaying the name, logo and nature of the specific business.

(42.3) The size and height of advertising signs allowed in this class, are as follows:

(a) Banners

Maximum size: 5m²

Height: Maximum 2m

Maximum advertisement area per event per street front: 10m²

(b) Flags

Maximum size: 4m²

Height: Maximum 5m

(42.4) The requirements for banner advertising signs are as follows:

(a) Maximum of 5 banners per event.

(b) On the site / boundary fences / walls of where the function / event is to take place or on boundary fences / walls of a third party or in positions within the road reserve as determined by the Municipality.

(c) Minimum distance from centre of intersection: 50m.

(d) Minimum distance from road sign or signal: 50m.

(e) Minimum of 120m apart if in road reserve.

(f) No advertisement shall be displayed for more than two weeks before the date of the function or event advertised and no such advertisement shall be permitted to remain in position for more than three days after the conclusion of such function or event.

(g) No banner shall be suspended across a road, be affixed to a bridge spanning a road, placed on or against or attached to or otherwise supported by any transformer box, telegraph pole, tree, road traffic sign, electric light standard or other sign or object.

(h) No banner shall be positioned within the roadway or shoulder of a road.

(i) Banners for parliamentary or municipal elections, by-elections, referenda and registration process are only permitted to be placed against the boundary walls / fences or on the premises of the voting/registration station.

(j) A completed street name list on where the banners will be erected, is to be provided by the applicant, within at least three days prior to the event, occasion, function or meeting as indicated on the banner.

(k) All banners must be removed within 3 days of the passing of the event. Failure to remove a banner will result in forfeiting the deposit for that banner.

(l) Every deposit paid must be refunded when all the banner to which the deposit relates, have been removed to the satisfaction of the Municipality.

(m) Any person who, having displayed or caused to be displayed any banner, fails to remove it or cause it to be removed within the periods prescribed shall be guilty of an offence and shall, in addition to any penalty imposed upon him, forfeit the deposit relating to it or such proportionate part of that deposit as the Municipality must assess having regard to the number of banners not removed.

(42.5) The requirements for flag advertising signs are as follows:

(a) Maximum of 10 semi-permanent flags per street front.

(b) Maximum of 4 portable flags per street front per business premises.

(c) Minimum of 2m spacing between any two flags.

(d) Flags are to be of equal size.

(e) Only locality bound flags must be used for advertising businesses.

(f) Portable flags shall be displayed directly in front of the specific business in the road reserve in positions as determined by the Municipality but shall not be positioned within the roadway or shoulder of a road. They must be removed on close of business at the end of normal trading

hours.

(g) Every semi-permanent flag must be attached to a single flagstaff projecting vertically from premises or projecting vertically, horizontally or at an angle from a building on the site or against the building or boundary walls/ fences where the business is located or attached to a free-standing flag staff on approved sites.

(h) No semi-permanent flag is permitted to be displayed within the road reserve.

(i) Flags shall only display the name, logo and nature of the business.

(j) The clear height of the semi-permanent flag shall not be less than 2,4m.

(k) If projecting over a sidewalk and pedestrian circulation route, the clear height must exceed 2,4m and for a cycle circulation route a clear height of at least 3,0m

(l) No person shall display or erect any flag which relates to a business which is conducted on an erf or land which has not been re-zoned for that specific purpose.

(m) No portable flag shall be displayed in any manner or in view of any street, unless the prescribed annual license tariff is paid, particulars of the concerned business is recorded on a database, and the necessary prescribed license is issued by the Municipality.

(42.6) The general requirements for this class of signs are as follows:

(a) These advertising signs shall not be illuminated or animated.

(b) Banners and flags shall not be used for advertising sales promotions or commercial products or events.

(c) Every banner or flag must be attached so as not to interfere with or constitute a danger to passing vehicular or pedestrian traffic and shall not be displayed within or across any footpaths and cycle circulation routes or Central Business District sidewalks.

(42.7) National flags of any country are excluded from this class and shall therefore be displayed in all areas of control provided they do not carry any advertisement or subject matter additional to the design of the flag or flagstaff.

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

43. Posters

(43.1) Posters will be permitted in areas of maximum, partial and minimum control.

(43.2) This class consists of five categories of posters namely:

(a) Category One: Posters erected to advertise public and charitable events, functions, occasions, meetings or campaigns of a religious, educational facility, cultural, political, social,

sporting or recreational nature. This category includes posters erected to advertise an auction but excludes posters advertising sales promotions, commercial products and events of a commercial nature.

(b) Category Two: Posters erected in this category shall be used for commercial advertising on structures for which specific provision has been made for by the Municipality.

(c) Category Three: Posters displayed in this category must display selected news headlines of a specific edition of a newspaper.

(d) Category Four: Posters for public awareness and community based campaigns, notices of a public meeting.

(e) Category Five: Posters for parliamentary or municipal elections, by-elections, referenda and registration process.

(43.3) The size and height of advertising signs allowed in this class, are as follows:

CATEGORY ONE AND FIVE:

Size: One direction: □ 0.54m²

More directions: □ 1.08m² in total if double sided or for two posters back to back

Prescribed posters: 0.9m x 0.6m (A1 size)

Height: Minimum Height (Clearance): 2,4m

At least 2m below light fixtures

CATEGORY TWO:

Size: One direction: □ 1.08m²

More directions: □ 2.16m² in total if double-sided or for two receptacles back to back

Prescribed posters: 1.2m x 0.9m (A0 size)

Height: Minimum Height (Clearance): 2,4m

At least 2m below light fixtures

CATEGORY THREE:

Size: One direction: □ 0.32m²

More directions: □ 0.64m² in total if double-sided or for two posters back to back

Prescribed posters: 0.7m x 0.45m (A2 size)

Height: Minimum Height (Clearance): 1m

At least 2m below light fixtures

CATEGORY FOUR:

One direction: □ 1.08m²

More directions: □ 2.16m² in total if double-sided or for two posters back to back

Prescribed posters: 1.2m x 0.9m (A0 size)

Height: Minimum Height (Clearance): 2,4m

At least 2m below light fixtures.

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

(a) Standardized pole-mounted posters shall be permitted only where they will not have a negative visual impact on the streetscape and the character of an area.

(b) Only permitted on electric light standards or other structure, which is provided for the express purpose of affixing posters.

(c) Shall not be placed on or against or attached to or otherwise supported by any power line standard, power masts, transformer box, telegraph pole, road traffic sign or signal (any lamp pole which has a road traffic sign or signal attached to it), traffic circle, traffic island or median (except Category Two (2) and Three (3) Posters), wall, column or post of a veranda or balcony, fencing, electricity box or sub-stations, tree or bridge.

(d) No advertising sign shall be mounted on a short (4,5m) streetlight pole.

(e) Not to cover municipal markings / stripes / fire hydrant markings on lampposts.

(f) No steel or aluminum ladders shall be placed against the standards on which the posters are to be erected.

(g) These advertising signs shall not be illuminated or animated.

(h) Only permitted inside urban road reserves for roads under the jurisdiction of the Municipality and exclude freeways, National roads and Provincial roads.

(i) Not closer than 0.3m from the nearest edge of any posters to the edge of the shoulder of the road.

(j) Not to obstruct pedestrian movement.

(k) Street light poles positioned in front of or adjacent to primary or secondary schools shall not be used for posters.

(l) Shall not in any way interfere with the sight distance of motorists.

(m) Advertisements shall not have any letters smaller than 50mm in height.

(n) If so required by the Municipality, the content shall be subject to the Municipality's approval.

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

(43.5) Conditions applicable to category one posters:

(a) A maximum of 50 posters permitted per event.

(b) Temporary posters must be fixed to electric light standards and fixed receptacles by means of a suitable cord and no metal clamps or wire shall be used.

(c) Shall not be used to advertise a commercial event or product or sales promotion.

(d) At least 50m from the centre of an intersection.

(e) A completed street name list on where the posters will be erected, is to be provided by the applicant, within at least three days from submitting the application. Failure to submit this list will result in the forfeiting of the deposit paid.

(f) Posters must be erected only 14 days prior to the event.

- (g)** The display period during the event shall not exceed 30 days.
- (h)** All posters, backing boards and cord or string must be removed within 3 days of the passing of the event. Failure to remove a poster, will result in forfeiting the deposit for that poster.
- (i)** A maximum of four (4) per post. It must then be affixed in a double-sided manner back to back; i.e. only two posters visible per direction of travel.
- (j)** The content is subject to the approval of the Municipality. The name of the relevant responsible organization, and the date and place of the occasion or event must be clearly displayed on the poster. The Municipality shall be entitled to retain one such poster for identification purposes.
- (k)** No products shall be advertised on a Category One poster.
- (l)** Poster advertising signs aimed at the road used shall not be less than 120m apart.
- (m)** Every poster for which permission is granted, shall display a municipal sticker with a reference number.
- (n)** No poster or other advertising sign shall be placed in a street or other public place unless the appropriate tariff has been paid to the Municipality.
- (o)** Every deposit paid must be refunded when all the posters, advertising signs or advertisements to which the deposit relates, have been removed to the satisfaction of the Municipality.
- (p)** Any person who, having displayed or caused to be displayed any advertising sign or advertisement, fails to remove it or cause it to be removed within the periods prescribed shall be guilty of an offence and must, in addition to any penalty imposed upon him, forfeit the deposit relating to it or such proportionate part of that deposit as the Municipality shall assess having regard to the number of posters, advertising signs or advertisements not removed.

(43.6) Conditions applicable to category two posters:

- (a)** Posters must be fixed to electric light pole by means of removable brackets or strapping. No drilling or welding of poles will be permitted.
- (b)** At least 50m from the centre of an intersection.
- (c)** A maximum of two per post or standard. It must then be affixed in a double-sided manner; i.e. two receptacles back to back.
- (d)** Shall only be places in certain specific areas and along certain arterial roads.
- (e)** Street light poles positioned in front of Municipal Offices are reserved for the exclusive use for advertising purposes by the Municipality's Communications and Marketing Department.
- (f)** More creative and visually pleasant structures should be used for displaying of posters than standardized pole-mounted structures in order to make a positive contribution to streetscaping.
- (g)** The Municipality must determine the number and display format of posters in this category.

(43.7) Conditions applicable to category three posters:

- (a)** Poster frames must be fixed to electric light standards by means of removable brackets or strapping. No drilling or welding of poles will be permitted.
- (b)** Shall not be used to advertise a commercial event.
- (c)** Shall be displayed on electric light standards within 50m from the centre of an intersection.
- (d)** Shall be displayed along specific main traffic routes.
- (e)** If projecting over a sidewalk and pedestrian circulation route, the clear height must exceed 2,4m and for a cycle circulation route a clear height of at least 3,0m;
- (f)** A specific news headline must only be displayed for 24 hours.
- (g)** A maximum of one per post or standard. Back to back at same position will be permitted.
- (h)** The Municipality must determine the number and display format of posters in this category.
- (i)** No poster frame or news headline shall be placed in a street or other public place unless the appropriate tariff has been paid to the Municipality.

(43.8) Conditions applicable to category four posters:

- (a)** Posters must be fixed to electric light standards by means of removable brackets or strapping. No drilling or welding of poles will be permitted.
- (b)** Shall not be used to advertise a commercial event.
- (c)** At least 50m from the centre of an intersection
- (d)** A maximum of one per post or standard.
- (e)** All posters, backing boards and cord or string must be removed within 3 days of the passing of the event
- (f)** Poster advertising signs aimed at the road used shall not be less than 120m apart.
- (g)** No poster, advertising sign or advertisement shall be placed in a street or other public place unless the appropriate tariff has been paid to the Municipality.
- (h)** Public awareness and community-based campaigns are to be directed at the residents within a specific community aimed at indicating crime statistics and reporting of incidents.
- (i)** The Municipality must determine the number and display format of posters in this category.

(43.9) Conditions applicable to category five posters:

- (a)** Posters must be fixed to electric light standards and fixed receptacles by means of a suitable cord and no metal clamps or wire shall be used.
- (b)** Shall not be used to advertise a commercial event.
- (c)** At least 50m from the centre of an intersection.
- (d)** A maximum of three per post or standard.
- (e)** No posters relating to a parliamentary or municipal election, referendum or registration process shall be displayed for longer than the period extending from the beginning of the date of proclamation in the Government Gazette of an upcoming referendum or election to the end

of the fourteenth day after the date of such election, referendum or registration process.

44. Advertisements on litter bins

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

(44.2) The size of advertisements allowed in this class, are as follows:

Size: Smaller and equal to 2,2m² in total area provided that the advertisements face more than one direction.

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

(a) Permitted inside urban road reserve under the jurisdiction of Municipality, excluding all Provincial and National roads, and excluding all freeways.

(b) Shall not be positioned closer than a minimum of 1,8m from the edge of the pavement litterbin to the edge of the shoulder of the road; and 0,3m from a cycle path, footpath or sidewalk. It shall not be placed in such a way that it shall cause deviation of the normal and easy flow of pedestrians or cyclists.

(c) Not to obstruct pedestrian movement.

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

(e) Shall not be placed on a road median of less than 4m wide.

(f) Pole-mounted litter bins are only permitted on streetlight poles or other structure, which is provided for the express purpose of affixing pole-mounted litter bins.

(g) Pole-mounted litter bins shall not be attached to power line standard, power masts, road traffic sign or signal, traffic circle, traffic island, wall, column or post of a veranda or balcony, fencing, electricity box or sub-stations, tree or bridge or pole utilised to indicate the location of fire hydrants.

(h) Only one pole-mounted litterbin will be permitted per streetlight pole and one advertisement will be permitted per pole-mounted litter bin.

(i) No drilling or welding of poles will be permitted. Pole-mounted litter bins must be fixed to poles by means of removable brackets or stripping approved by the HOD.

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

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

(44.6) General requirements as stated in Section 5 to 10 apply.

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

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

45. Advertisements on public transport shelters

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

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

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

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

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

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

(d) Not to obstruct pedestrian movement.

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

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

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

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

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

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

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

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

46. Stack signs

(46.1) Stack signs will only be permitted in areas of minimum control in industrial areas.

(46.2) The size and height of advertising signs allowed in this class, are as follows:

Size: Maximum 16m²

Maximum size shall be increased to 23m² if height restriction is relaxed in terms of the Town Planning Scheme

Minimum dimension per panel: 1m x 1m

Not less than four and not more than ten panels per side

Height: Maximum 7,5m

Height shall be increased to 10,5m if permitted in Town Planning Scheme

Width of structure: Not less than 2,1m Not more than 3m

Clear Height: 2,4m

(46.3) A maximum of two stack sign per intersection positioned diagonally will be permitted.

(46.4) A stack sign shall be illuminated, but shall not be animated.

(46.5) This class consists of a free-standing advertising sign in the road reserve displaying a combination of advertisements of several businesses on separate panels.

(46.6) Advertisement panels shall not be reflective.

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

47. Street name advertising signs

(47.1) Street name advertising signs will be permitted in area of maximum, partial and minimum control.

(47.2) The size and height of advertising signs allowed in this class, are as follows:

Street name sign (GL1 signs):

Rectangular in shape according to SADC RTSM (Southern African Development Control, Roads Traffic Signs Manual) requirements.

Minimum Length: 500mm.

Maximum Length: Determined by the street name length and type of sign.

Width (height): 300mm.

Advertisement panel:

Rectangular in shape, either in a landscape or portrait format.

Minimum Area: 1,00 sqm.

Maximum Area: 1,68 sqm.

Horizontal measurement: Between 0,8m and 1,6m.

Vertical measurement: Between 1,0m and 1,6m.

Clear Height: Minimum of 2,1m to the street names.

Only one advertisement per side will be permitted.

(47.3) The position and spacing requirements for this class of road sign combined with an advertisement panel are as follows (should also adhere to SADC RTSM, GL1 sign requirements):

(a) Street name section below advertising panel, but not closer than 200mm.

(b) Shall not extend over the road surface.

(c) It shall not be located directly in front of, or behind a road traffic signal.

(d) Must be located as far as possible in the far left corner of the junction of two streets, for both directions of traffic, specifically for the main roads. It will therefore be positioned diagonally.

(e) Maximum two illuminated advertising signs diagonally opposite one another per intersection. At junctions of lower order roads, one street name sign (combined with an advertisement panel) will normally be adequate.

(f) Inside urban road reserve (Municipality roads only), but not on freeways, any Provincial or National road, road medians or road islands, and it should take into consideration the traffic movements, other road traffic signs and street furniture.

(g) Shall not be erected closer than a minimum of 0,5m from the edge of the advertising sign to the vertically projected edge of the shoulder of the road; and 0,3m from a cycle path,

footpath or sidewalk.

(h) Shall not interfere with the sight distances of motorists or obstruct pedestrian movement.

(47.4) These advertising signs shall be illuminated as follows:

(a) Internal illumination of the advertising sign shall not exceed the luminance intensity of the street name section.

(b) Illumination only permitted if it does not lead to unsafe driving conditions, or does not have detrimental effect on the surrounding area and where it is specifically not prohibited.

(c) These advertisements shall not be animated and shall not flash.

(47.5) This class consists of pole-mounted street name signs (road traffic signs – GL1 sign as defined in the SADC RTSM), carrying double-sided advertisements, which shall be internally illuminated, displayed in combination with street name signs in the urban environment.

(47.6) These advertising signs will constitute an important service to both the motorist and the pedestrian in locating such facilities and functions.

(47.7) The street name must be in black letters on a white background.

(47.8) Any street name on the advertisement panel must be smaller and less conspicuous than the street name on the actual street name panel.

(47.9) The layout of the advertisement must be of such a nature that it shall not be misunderstood to represent a road traffic sign, due to any factors such as:

(a) a combination of colours and type of arrows as used for road traffic signs,

(b) symbols used on road traffic signs, or

(c) a combination of colours specified for road signs.

(47.10) The layout of the advertisement shall also not encourage U-turns.

(47.11) Only one advertisement per side of the advertising sign, will be permitted. Each advertisement, per side, shall not be split to accommodate two (2) or more advertisements.

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

48. Suburb name signs

(48.1) Suburb name signs will be permitted in areas of maximum, partial and minimum control.

(48.2) The size and height of advertising signs allowed in this class, are as follows:

GL2 sign: Rectangular in shape (according to SADC RTSM requirements)

Width: 1,8m

Length: 0,4m

Minimum letter height: 175mm (shall be reduced to 140mm for lower order roads)

Advertisement panel: Rectangular in shape

Width: Not wider than suburb name sign

Length: 0,4m

Maximum length: 0,5m

The advertisement must be less conspicuous than the suburb name.

Height of the advertising sign: Maximum 4m

(48.3) A clear height of not less than 2,1m must be allowed for between the bottom of the sign and the ground, irrespective of the size of the sign.

(48.4) The position and spacing requirements for this class of advertising signs must be accordance with the Southern African Development Community, Roads Traffic Signs Manual (SADC RTSM). It must be placed on the left side of the roadway at the approximate point of entrance into a suburb along the highest class of road entering a suburb, taking into consideration the location of junctions, other road traffic signs and street furniture. It shall not be located on road medians or islands. Extensions of a larger suburb do not warrant suburb name signs.

(48.5) Shall not be erected closer than a minimum of 0,5m from the edge of the advertising sign to the vertically projected edge of the shoulder of the road; and 0,3m from a cycle path, footpath or sidewalk, and at least 50m from the centre of an intersection. It shall not interfere with the sight distances of motorists or obstruct pedestrian movement.

(48.6) As these advertising signs are attached to suburb name sign, which are road traffic signs, their positioning shall be dependent on the positioning of the suburb name sign.

(48.7) These advertising signs shall not be illuminated or animated.

(48.8) This class consists of pole-mounted location signs (road traffic signs - GL2 sign in the SADC RTSM) at entrances to towns and suburbs, carrying an advertisement beneath the suburb name.

(48.9) The sign must be divided horizontally. The suburb name must appear in the top panel on the front side, and must be done according to prescriptions. The reverse side of the top panel must be clear of any advertisement. The top panel shall be combined with an advertising panel underneath the suburb name signs. The front side of the advertising panel shall contain non-locality bound advertising. The reverse side of the advertising panel shall be utilised for the promotion of community service messages, non-profitable organisations, emergency services, or branding of the Municipality, as provided for and required by the Municipality, or alternatively if not used by the Municipality, for non-locality bound advertisements.

(48.10) Suburb name signs are permitted within all urban road reserves under the jurisdiction of the Municipality, excluding all freeways, Provincial and National roads.

(48.11) No colours that shall cause confusion with road traffic signs shall be used.

(48.12) The background of the advertising sign shall not be retro-reflective or fluorescent.

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

49. Advertising on Taxi Ranks

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

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

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

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

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

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

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

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

(49.4) Illumination is permitted on the advertisements, only if it does not lead to unsafe driving conditions, or to any uncomfortable situation or position of any commuter or taxi rank user, or does not have a detrimental effect on the surrounding area or on any motorists, and where it is specifically not prohibited. No animation is permitted.

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

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

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

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

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

50. Exempted signs

(50.1) The following advertising signs or advertisements are exempt from the provisions of these By-laws:

- (a)** Any advertising sign displayed inside a sports stadium which is not visible from outside the stadium;
- (b)** Any advertising sign which is not aimed at road users and not visible from a public street;
- (c)** Any advertising sign which is displayed inside a building at a distance of more than two metres from any window or other external opening through which it shall be seen from outside the building and which is not aimed primarily at attracting the attention of the road user;
- (d)** Any national flag of any country hoisted on a suitable flag pole provided that no advertisement or subject matter is added to the design of the flag or flagstaff;
- (e)** Any banner or flag carried through the streets as part of a procession;

(f) Any advertising signs or advertisements which are permanently painted on or attached to the window-glass of a building;

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

51. Prohibited advertising signs

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

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

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

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

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

(e) Any sign which shall obstruct pedestrian traffic;

(f) Which will obstruct any window or opening provided for the ventilation of a building or which obstructs any stairway or doorway 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;

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

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

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

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

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

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

- (m) Which relates to a business which is conducted on an erf or land which has not been re-zoned for that specific purpose;
- (n) Which relates to cigarettes or other tobacco products or any product which shall be prohibited to be advertised by any legislation on Municipality property;
- (o) On landfill sites;
- (p) On or against water towers and reservoir owned by Municipality;
- (q) Painted or erected on traffic circles, islands, medians or speed humps;
- (r) Banners and flags that advertise sales promotions or commercial products or events, or banners suspended across a road, affixed to a bridge spanning a road, placed on or against or attached to or otherwise supported by any transformer box, telegraph pole, tree, road traffic sign, electric light standard or other sign or object;
- (s) Any flag of a permanent nature or an inflatable sign in the road reserve;
- (t) Mounted on a bicycle or vehicle, which is stationary and positioned for the sole purpose of advertising;
- (u) For any estate agency containing any other words except the words 'For Sale', 'To Let', 'Sold' or 'On Show' and the name, logo, address and telephone number of the selling agent or letting agent;
- (v) Other than an exempted sign, for which neither a permit nor approval has been obtained;
- (w) Any sign which does not comply with the requirements of a specific type of sign as prescribed in these By-laws.
- (x) On bridges across any freeway or over any national or provincial road.

52. Application for approval of advertising signs

(52.1) No person shall display or erect an advertising sign/ advertising hoarding without first having obtained a written approval of the municipality.

(52.2) An application in terms of subsection (1), accompanied by the required application tariff shall be signed by the owner of the proposed advertising sign/ hoarding and by the registered owner of a land or building on which the sign or advertising hoarding is to be erected or displayed, or on behalf of the owner of the land or building by his agent authorised in writing by such owner and shall be accompanied by:-

- (a) a locality plan of the proposed site;
- (b) a block plan of the site which the sign or hoarding is to be erected or displayed, drawn to scale of not less than 1:500 showing every building on the site and the position with dimensions of the sign or advertising hoarding in relation to the boundaries of the site as well as the dimension and distances to the nearest road intersections;
- (c) A drawing sufficient to enable municipality to consider the appearance of the sign or

hoarding and all relevant construction drawings, such drawings should show all elevations of the sign and detailed foundations in accordance with the provisions of the National Building Regulations and Building Standards Act, Act 107 of 1977;

(d) A coloured artistic impression or and photograph of not less than 200mm X 250mm with the proposed sign or advertising hoarding superimposed to scale;

(e) Municipality may require the submission of additional drawings, calculations and other information and a certificate by a person defined in Section 1 of the Engineering Profession of South Africa, 1990 (Act 114 of 1990).

(52.3) Every application to display a sign on private premises, municipal road reserves or on Municipal premises must be submitted for consideration to the Director: Economic Development Planning and Human Settlements on the appropriate application form in accordance with the application procedures approved by the Municipality, as amended from time to time.

(52.4) The Municipality or delegated department shall request any additional information which he/she shall consider necessary, including an Impact Assessment (EIA) or advertising sign scoping report in order to consider an application.

(52.5) Every application must be accompanied by the prescribed application fee and, where applicable, a deposit as determined by the Municipality from time to time.

(52.6) No person shall to any degree or in any manner, way or form deviate from the conditions of approval of the Municipality, and any deviation constitutes an offence and consequently negates an approval.

(52.7) The approval of a sign in terms of these Bylaws must not be construed as approval in terms of any other act, ordinance, bylaw or regulation, and approval must be obtained in the manner prescribed in the relevant act, ordinance, bylaw or regulation.

(52.8) The approval of a sign in terms of any other act, ordinance, bylaw or regulation must not be construed as approval in terms of these Bylaws.

(52.9) The evaluation of applications shall include the consideration of, traffic safety, aesthetic and architectural aspects.

(52.10) More than one class of sign, with the exception of billboards, and more than one sign in each such class, shall be considered on premises.

(52.11) The Municipality shall, at the discretion of the municipality or delegated department, invite applications to erect non-locality bound signs, by public notice in terms of section 116 of Local Government: Municipal Finance Management Act (Act 56 of 2003) and any other relevant legislation.

(52.12) The Municipality shall, in its discretion, approve applications for the following sign types in the public road reserve: billboards, street furniture signs, suburban name sign advertisements, posters, functional signs by public bodies, street name signs, security signs at the entrances to suburbs or gated communities, stack signs, signs on bridges, signs for sponsored road traffic projects and any other sign deemed appropriate by the Municipality.

(52.13) The approval period of signs shall not exceed a maximum period of 3 years.

(52.14) An application which has shown no substantive progress due to any act or omission on the part of the applicant shall be deemed to have lapsed one year after date of submission to the Municipality, unless motivation to the contrary is supplied to the satisfaction of the Municipality or delegated department.

(52.15) The owner of the land or his legal agent or representative, on which a sign is erected or displayed in terms of an approval obtained under this regulation, must retain certified copies of all documentation relating to the application and the approval issued by the Municipality and any renewal thereof for as long as the sign is erected or displayed, and must present it to any person authorised by the Municipality on request. The owner of the sign, if not also the owner of the land, must provide the owner of the land with certified copies of all relevant documentation.

(52.16) The Municipality shall withdraw any approval given under this regulation where the relevant sign does not or ceases to comply with these bylaws, or a condition imposed in such approval has not been complied with.

(52.17) All changes to the content of an advertisement (graphic) shall be subject to specific consent in all categories of signs in these bylaws and, when specified, on payment of an amount determined by the Municipality from time to time.

(52.18) The owner of the sign shall be held responsible for any damage or loss caused by the structure and/or due to the display of the sign.

(52.19) Any person who have complied with or satisfied all the requirement or conditions of approval of the Advertisement or advertising sign and have submitted such to the satisfaction of the Municipality shall be given a certificate of compliance.

(52.20) Such certificate of compliance in terms of sub-section (18) shall be signed off by the Director: Economic Development Planning and Human Settlements or their nominee.

53 Application for the renewal of signs

(53.1) Approvals granted in terms of these bylaws shall be considered for renewal in the sole discretion of the Municipality or delegated department and, after receipt of an application by the owner of the sign 90 days before the expiry of the period for which the approval was granted, by:

- (a) Making application for such renewal to the municipality or delegated department of the municipality in the prescribed manner and;
- (b) Lodging a complete application with the application fee determined by the Municipality (which shall include an inspection fee).

(53.2) Renewal will be considered provided that the following conditions are adhered to by the applicant:

- (i) The applicant has not been in arrears with the municipal's account in relation to the billboard initially approved for the past twelve months.
- (ii) The applicant has informed the municipality of the intension to renew the advertising rights at least three months before the initial approval term lapse, from the date of the signed contract agreement with Municipality.
- (iii) Being properly maintained in accordance to section 8 (1).

(53.3) Notwithstanding sections (1) and (2) above; a standard operating procedure will be developed by delegated to guide the processes and procedures.

PART D: PROHIBITIONS AND LAW ENFORCEMENT

54. Damage to Municipality property

(54.1) No person shall intentionally or negligently, in the course of erecting or removing any advertising sign, advertising structure, poster or banner cause damage to any tree, electric

service or other Municipality installation or property.

(54.2) Any costs incurred by Municipality for repair to damaged trees, environment, electric standard, service or any Municipality property, will be for the account of the responsible persons.

55. Entry and inspection

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

(55.1) Has been displayed or erected upon Municipal-owned property or property which vests in the Municipality in terms of any law and without having obtained a written approval of the Municipality.

(55.2) Has been displayed or erected within a private property without having obtained a written approval of the Municipality.

(55.3) If the advertising sign or hoarding is prohibited in terms of section 51 (1) (d), (e), (n), (r) or (s), the Municipality will be entitled, through its duly authorised officers or authorized agents, 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 these By-laws.

56. Removal of signs or advertising hoardings

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

- (a)** constitutes a danger to any person or segment or class of persons,
- (b)** has been displayed or erected without approval of the municipality,
- (c)** impedes the visibility of or restricts the proper functioning of any traffic sign or traffic light,
- (d)** is prohibited in terms of sections 51(1) (d), (e), (n), (r), or (s)

(56.2) If any advertising sign is displayed so that, in the opinion of the Municipality, it is detrimental to the environment or to the amenities of the neighbourhood, or otherwise in contravention of any requirement of or prohibited by these By-laws, or has fallen into a state of disrepair, the Municipality shall serve a notice on the owner of the advertising sign requiring him or her or it at own cost to remove such advertising sign or to carry out such alteration thereto or do such work as shall be specified in such notice, as the case shall be, within a time

specified in the notice, provided that the provisions of this subsection shall not apply in respect of an advertisement or advertising sign which falls within the provisions of subsection (1).

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

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

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

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

- (i)** The structure is unsafe and posing danger to life and property.
- (ii)** The advertising sign is obscene.
- (iii)** It is not in the interest of Council or community at large.
- (iv)** The sign or structure is prohibited in terms of section 51 above.

57. Disposal of signs

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

58. Signs on and over streets

(58.1) Every person owning, displaying or causing to be displayed a sign which, or any part of which, overhangs, or is placed on any street without the written approval of Municipality must, on being By-laws on Billboards and the display of Advertisements 83 instructed by notice in writing by the Municipality to do so, remove it within 48 hours from the date of such notice or within such longer period specified in such notice without any compensation.

(58.2) In the event of non-compliance with an instruction in terms of subsection (1), the Municipality shall itself remove the sign concerned and shall recover the cost thereof from the person or persons, jointly and severally, to whom a notice in terms of subsection (1) was

addressed and such person will not be entitled to any compensation relating to any actions taken in good faith by the Municipality, employee, official or other agent of the Municipality.

59. Offences

(59.1) Any person who:

(a) contravenes or fails to comply with any provisions of these By-laws: contravenes or fails to comply with any requirement set out in a notice issued and served on him in terms of these Bylaws;

(b) will be guilty of an offence and will on conviction be liable to a fine as set out in the schedule of fines approved by Municipality.

60. Penalties

(60.1) Any person contravening any of the foregoing by-laws shall be guilty of an offence and liable on conviction, except where otherwise expressly stated, to: -

(a) a fine not exceeding R200 000.00 or in default of payment, to imprisonment for a period not exceeding two years, or to both such fine and imprisonment for an advertising sign $\leq 35\text{m}^2$ calculated on advertising panels only and;

(b) A fine equal to the revenue generated by the illegal advertising structure and or advertising sign calculated on a monthly basis from the date of the sign being identified as erected to the date where the fine is settled.

(c) In case of successive or continuous breaches of any by-law it is provided that any expense incurred by the Municipality in consequence of a breach of any by-law or in the execution of any work directed by any by-law to be executed by any person and not executed by him, shall be paid by the person committing such breach or failing to execute such work.

61. Powers

(61.1) In terms of Section 156 (2) read with section 229 of the Constitution of the Republic of South Africa, Act 108 of 1996 the Council may make and administer by-laws for effective administration of matters, which it has the right to administer.

(61.2) The authority to administer this by-law vests in the Municipality in terms of inter-alia;

(a) Part B of Schedule 5 read with section 156 (1) (a) and 156 (2) of the Constitution of the Republic of South Africa, Act 108 of 1996.

(b) Advertising on Roads and Ribbon Development Act (Act 21 of 1940)

- (c) South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998);
- (d) National Road Traffic Act, 1996 (Act No. 93 of 1996);
- (e) KwaZulu-Natal Provincial Roads Act No. 4 of 2001
- (f) Occupational Health and Safety Act, 1993 (Act 85 of 1993)
- (g) Local Government Affairs Act, 1998 (Act 10 of 1998);
- (h) Local Government: Municipal Systems Act, Act No. 32 of 2000;
- (i) Local Government Ordinance, (Ordinance 17 of 1939);
- (j) Local Government Transitional Act, Second Amendment, 1996 (Act No. 97 of 1996);
- (k) Municipal Finance Management Act, 2003 (Act No. 56 of 2003);
- (l) Schools Act, 1996 (Act No. 84 of 1996);
- (m) National Environmental Management Act, 1998 (Act No.107 of 1998) as amended;
- (n) National Building Regulations and Building Standards (Act 103 of 1977); and
- (o) Intergovernmental Relations Framework Act (Act 13 of 2005).

62. Indemnity

The Municipality is indemnified against any claim against it in respect of the display of any advertisement or the erection of any advertising sign or structure, whether or not such display or erection was pursuant to permission or authorisation granted by the Municipality.

63. Transitional provisions

(63.1) Approval granted by the Municipality prior to the commencement of these by-laws, will remain valid until the expiry of the approval period initially granted.

64. Tariffs

(64.1) The Municipality shall determine tariffs or fees from time to time in accordance with Section 4 (c) of the Local Government Systems Act, Act 32 of 2000 and also in accordance with the provision of the Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

(64.2) All refundable deposits will be forfeited to the Municipality in the event of non – compliance of any of the foregoing by-laws or its approved procedural guidelines.

(64.3) Every person who applies to the Municipality for permission of an advertising sign or advertisement to be displayed, must on making the application, pay to the Municipality the tariff determined therefore, and no application will be considered until such tariff has been paid.

(64.4) The set of rates as drawn up by Municipality and revised from time to time, as appropriate, shall apply.

(64.5) The payment of any tariff in terms of this by-law shall not absolve any person from criminal liability arising from his failure to pay nor shall the fact that a person has been convicted of an offence under this by-law relieve him from the liability to pay the appropriate tariffs in terms of these By-laws.

(64.6) Any amount due by a person in terms of the provisions of this by-law, will be a debt due and payable to the Municipality and shall be recovered by the Municipality in any competent Court of Law.

(64.7) All tariffs and monies must be paid at the Municipality or at such other places as shall be determined by the Municipality, from time to time.

65. Contradictions

Where contradictions, ambiguity or vagueness in these by-laws shall occur, the interpretation of the delegated department in consultation with the uMngeni Municipality's legal department is final and binding.

66. Signs not described in these by-laws/undetermined advertising signs

Shall be considered and finalised by the municipality or its delegated official in terms of delegation as set in Section 3(6) of this By-laws.

67. Short title

These By-laws are called the uMngeni Municipality: Outdoor Advertising By-Laws, and come into operation on the date of promulgation in the Provincial Gazette.