

WINNIE MADIKIZELA- MANDELA LOCAL MUNICIPALITY



OUTDOOR ADVERTISING POLICY

Approved by the COUNCIL on.....

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1. INTRODUCTION

With the increasing interest in outdoor advertising in the area of Winnie Madikizela-Mandela Local Municipality it has become necessary to adopt a uniform outdoor advertising policy for the approval and regulation of outdoor advertising. This policy is being developed in the light of prevalent local circumstances pertaining to outdoor advertising and in line with the South African Manual for Outdoor Advertising Control (SAMOAC) as a guideline, resulting in the new proposed Outdoor Advertising Policy for the town of Bizana. A fundamental approach to outdoor advertising is proposed; principal areas of concern are then identified. Policy proposals are consequently made for each of these areas of concern and could be amended from time to time as the need arises.

2. DEFINITION AND SCOPE

The SAMOAC interpretation of the term “outdoor advertising” is appropriate for the purposes of this Policy and Code of Practice:

“Outdoor advertising can therefore be seen as referring ... to any sign, model, placard, board, notice, billboard, poster, flag, banner bunting, light display, device, structure or representation employed outdoors wholly or partially to –

advertise a facility, business, service or product that is available to the public (information on products and services); or

make known an organisation’s or individual’s opinion, grievance or protest; or

provide information on localities and activities”

2.4 The scope of the above definition has been narrowed to suit the predominantly urban context of the town of Bizana as follows:

All signs, varying in size from large billboards to small placards and poster, which are erected or displayed out-of-doors for the purpose of providing information, are included in the scope of the definition.

3 DEFINITIONS

The clear interpretation of the by-laws supporting the policy, as well as decisions made by the Council when evaluating proposals for outdoor advertising in accordance with this policy, will require concise and unambiguous definitions of all words and expressions contained therein. The following words and expressions shall have the meanings respectively assigned to them hereunder:

3.1 **Advance sign** means a sign indicating the direction or distance to a facility, locality, activity, service or enterprise

3.2 **Advertisement** means any visible representation of a word, name, letter, figure, object mark or symbol or of an abbreviation of a word or name, or of any combination of such elements with the object of transferring information.

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

3.4 **Advertising device** means any physical device, which is used to display an advertisement or which is in itself an advertisement.

3.5 **Advertising hoarding** means a screen, fence, wall or other structure in a fixed position to be used, or intended to be used, for the purpose of posting, displaying or exhibiting any advertisement.

3.6 **Advertising structure** means any physical structure built to display advertising.

3.7 **Aerial sign** means any sign which is affixed to or produced by any form of aircraft (including kites and balloons) and which is displayed in the air.

3.8 **Affix** includes to paint onto and "affixed" shall have a corresponding meaning.

3.9 **Animation** means a process whereby an advertisement's visibility or message is enhanced by means of moving units, flashing lights or similar devices.

3.10 **Approved** means approved by the Council and "approval" has a corresponding meaning.

3.11 **Arcade** means a covered pedestrian thoroughfare not vested in the Council, whether or not located at ground level passing wholly or partly through a building and to which the public normally has regular and unrestricted access.

- 3.12 **Area of control** refers to the degree of advertising control to be applied in a specific area, i.e. maximum, partial or minimum control, in accordance with the visual sensitivity of the area and traffic safety conditions. Area of control is also used to express the degree of landscape sensitivity of specific areas.
- 3.13 **Arterial road** means a road which, in the opinion of the Council, functions as a main carrier of traffic within an urban area.
- 3.14 **Backlight units (backlit)** means advertising structures which house illumination in a box to throw light through translucent advertising printed on plastic or heavy-duty paper for a higher visibility and extended night viewing.
- 3.15 **Balcony** means a platform projecting from a wall, enclosed by a railing, balustrade or similar structure, supported by columns or cantilevered out and accessible from an upper-floor door or window.
- 3.16 **Basic landscape sensitivity** indicates the visual or aesthetic sensitivity of the landscape with regard to outdoor advertisements and designs in terms of three basic landscape types, which are, in order of sensitivity, natural, rural and urban landscapes.
- 3.17 **Billboard** means any screen or board larger than 4,5m², supported by a free-standing structure, which is to be used or intended to be used for the purpose of posting, displaying or exhibiting an advertisement and which is also commonly known as an advertising hoarding. The main function of a billboard is to advertise non-locality bound products, activities or services.
- 3.18 **Bit of information** refers to the basic unit for measuring the length of advertising messages and may consist of letters, digits, symbols, logos or abbreviations.
- 3.19 **Blind** means a vertical screen attached to shop windows or verandas in order to keep sun and rain from shop fronts and sidewalks, and which may be rolled up when not in use.
- 3.20 **Building** means any structure whatsoever with or without walls, having a roof or canopy and a normal means of ingress and egress under such roof or canopy.
- 3.21 **Bus shelter display** means posters positioned as an integral part of a free-standing covered structure at a bus stop.
- 3.22 **Canopy** means a structure in the nature of a roof projecting from the facade of a building and cantilevered from that building or anchored other 8 primarily for the support of a sign.

3.23 **Display period** means the exposure time during which the individual advertising message is on display.

3.24 **Election** means either National, Provincial or Local Government elections and by-elections held from time to time.

3.25 **Erf** means any piece of land registered in a deeds registry as an erf, lot, plot, stand or agricultural holding.

3.26 **Façade** means the principal front or fronts of a building.

3.27 **Flashing sign** means a sign in which the visibility of the contents is enhanced by their intermittently appearing and disappearing or being illuminated with various intensity of colours.

3.28 **Flat sign means** any sign, which is affixed to or painted directly onto any external wall of a building and which at no point projects more than 300mm in front of the surface of such wall.

3.29 **Free-standing sign** means any immobile sign which is not attached to a building or to any structure or object not intended to be used for the primary purpose of advertising.

3.30 **Freeway** means a road designated as a freeway by means of a road traffic sign.

3.31 **Gateway** means a prominent entrance to or exit from an urban area or a specific part of an urban area, consisting of man-made or natural features and creating a strong sense of arrival or departure.

3.32 **Ground sign** means any sign detached from a building, other than an aerial sign.

3.33 **Height of a sign** means the vertical distance between the uppermost and lowest edges of the sign.

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

3.44 **Illuminated** means an advertising structure which has been installed with electrical or other power for the purpose of illumination of the message of such sign.

3.35 **Illuminated sign** means a sign, the continuous or intermittent functioning of which depends upon it being illuminated.

3.36 **Inflatable sign** means any hoarding erected and maintained by means of air used for the purpose of posting or displaying any advertisement.

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

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

3.39 **Main roof of a building** means any roof of a building other than the roof of a veranda or balcony.

3.40 **Main wall of a building** means any external wall of such building, but shall not include a parapet wall, balustrade or railing of a veranda or a balcony.

3.41 **Movable temporary sign** also termed as mobile or transit sign means an advertisement attached to or displayed on a vehicle, vessel or craft on land, in water or in air.

3.42 **Poster** means any placard announcing or attracting public attention to any meeting, event, function, activity or undertaking or to the candidature of any person nominated for election to parliament, the local government or similar body or to a referendum, or any placard advertising any product or service or announcing the sale of any goods, livestock or property.

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

3.44 **Projecting sign** means any sign which is affixed to a main wall of a building and which projects more than 300mm from the surface of the main wall and which is affixed at a right angle to the street line.

3.45 **Public place** means any road, street, thoroughfare, bridge, subway, foot pavement, footpath, 10 sidewalk, lane, square, open space, garden, park or enclosed space vested in the Council.

3.46 **Pylon sign** means any sign whether stationary or actuated, displayed on or forming an integral part of a pylon or mast or similar structure other than a building or advertising hoarding.

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

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

3.49 **Rotating sign** means a sign, which rotates about any axis.

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

3.51 **Sign** is a more comprehensive term than advertisement and refers to any advertisement or object, structure or device which is in itself an advertisement or which is used to display an advertisement.

3.52 **Sky sign** means a very large sign between 75m² to 300m² on top of a high-rise building in a metropolitan area and which may form an important landmark.

3.53 **Spectacular** is an advertising industry term and means a custom-made billboard, which incorporates special effects such as internal illumination, cut-outs and three-dimensional representations.

3.54 **Street** means any street, road or thoroughfare shown on the general plan of a township, agriculture holding or any other division of land or in respect of which the public have acquired a prescriptive or other right of way and which vests in the Council.

3.55 **Temporary advertisements** means signs and advertisements which are usually displayed to publicise a forthcoming event or to advertise a short term use of the advertisement site.

3.56 **Temporary sign** means a sign not permanently fixed and not intended to remain fixed in one position.

3.57 **Transit** advertising also referred to as vehicular advertising means all advertising on 11 normally moving vehicles including taxis, buses, trailers trams, vessels, etc.

3.58 **Tri-vision** means a display embellishment, which, through use of a triangular louvre construction, permits the display of three different copy messages in a predetermined sequence

3.59 **Veranda** means a structure in the nature of a roof attached to or projecting from the facade of a building and supported along its free edge by columns or posts.

3.60 Window signs are signs, which are permanently painted on, or attached to, the window-glass of a building.

4. APPROACH

The policy formulation is based on the following fundamental principles:

4.1 The recognition of the democratic rights of the citizens of Bizana.

4.2 The spirit of the Constitution of the Republic of South Africa and the need of transparency and accountability in the regulation of outdoor advertisement in the sphere of Local Government.

4.3 The need to address the conservation of both the natural and man-made environment which can be adversely affected by certain forms of outdoor advertisement,

4.4 The need to provide appropriate opportunities for outdoor advertising in the area of Winnie Madikizela-Mandela Local Municipality to promote economic development.

5. THE VISION FOR OUTDOOR ADVERTISING IN MBIZANA

The proposed vision for outdoor advertising for the area of Winnie Madikizela-Mandela Local Municipality is the following:

That the cultural sensitivity of the people of Bizana is to be positively affirmed;

That the beneficial aspects of the existing natural and man-made urban environment are conserved;

That the constitutional rights of all stakeholders are protected and economic development is fostered.

6. PURPOSE OF THE POLICY

The purpose of this policy is to regulate outdoor advertisement,

by providing for the uniform assessment of all applications which are made to the Municipality for permission to proceed with various forms of outdoor advertising;

by providing for the management of all those forms of outdoor advertising which fall under the jurisdiction of the Municipality.

7. APPLICABILITY

This policy shall be applicable to all the areas under the jurisdiction of the WMMLM, and any entity or person who wants to erect any sign or

form of outdoor advertising within Bizana should adhere to the requirements set out in the policy.

8. CLASSIFICATION

Central to the whole process is the concept of classification. The type of landscape, type of sign and area of control are important in this regard. The type of sign will give an indication of the potential impact of such a sign.

The basic character of the landscape in which a sign is displayed will affect the degree of control and therefore the area of control to be applied.

8.1 Type of landscape

Landscape type is used to indicate basic landscape sensitivity and forms a broad framework for spatial classification. The following categories apply:

8.1.1 RURAL – Natural and undeveloped peri-urban areas

8.1.2 URBAN – Built-up urban environment

8.2 Type of sign

In order to lessen the complexity of outdoor advertisements and signs and in order to determine the potential impact of signs on the environment, they should be classified into classes and subclasses, based on visual character, function and necessity. In terms of the

South African Manual for Outdoor Advertising Control there are five classes of outdoor advertisements and thirty sub-classes as set out below and based on the following considerations:

8.2 The impact of the sign on the visual and social environment

8.2.1 The functional necessity of the sign

8.2.2 The visual and physical characteristic of the sign

8.2.3 The effect of outdoor advertising on road safety in general

8.3 Classes of outdoor advertisements:

Class One : Billboards and other high impact free-standing signs, principally

8.3.1.1 Super billboards;

8.3.1.2 Custom-made billboards;

8.3.1.3 Large billboards;

8.3.1.4 Small billboards and tower structures.

Class Two: Posters and general signs, principally

Large posters and advertisements on street furniture;

8.3.2.1 Banners and flags

8.3.2.2 Suburban advertisements

8.3.2.3 Temporary advertisements, being:

8.3.2.3.1 Estate agents boards

8.3.2.3.2 Sale of goods or livestock (auction sales)

8.3.2.3.3 Pavement posters and notices,

8.3.2.3.4 Project boards

8.3.2.3.5 Temporary window signs;

8.3.2.4 Street name advertisements;

8.3.2.5 Neighbourhood watch and similar schemes

8.3.2.6 Product replicas and three-dimensional signs.

Class Three: Signs on buildings, structures and premises, principally

8.3.3.1 Sky signs;

8.3.3.2 Roof signs;

8.3.3.3 Flat signs;

8.3.3.4 Projecting signs;

8.3.3.5 Veranda, balcony, canopy and under awning signs;

8.3.3.6 Signs painted on walls and roofs;

8.3.3.7 Window signs;

8.3.3.8 Signs incorporated in the fabric of a building;

8.3.3.9 Advertisements on forecourts of business premises;

8.3.3.10 Miscellaneous signs for residential oriented land use and community services;

8.3.3.11 On-premises business signs;

8.3.3.12 Advertising on towers, bridges and pylons;

8.3.3.13 Advertisements on construction site, boundary walls and fences.

Class Four: Signs for the tourist and traveller, principally

8.3.4.1 Sponsored road traffic projects;

8.3.4.2 Service facility signs;

8.3.4.3 Tourism signs;

8.3.4.4 Functional advertisements by public bodies.

Class Five: Mobile signs, principally

8.3.5.1 Aerial signs;

8.3.5.2 Vehicular advertising;

8.3.5.3 Trailer advertising. The grouping of sign types also takes cognisance, to some extent, of the potential impact and the necessity of the sign. As a basic rule regarding sign necessity, signs aimed at directing and locating shall enjoy a higher necessity value than signs aimed at the promotion of products and services. In cases where a specific sign does not fit into this classification the Winnie Madikizela-Mandela Local Municipality may have to adapt these guidelines to be able to accommodate such a sign.

8.4 Areas of control

Three areas of control apply – areas of **maximum control**, areas of **partial control**, and areas of **15 minimum control**. *These areas of control address the potential interaction between basic landscape sensitivity and sign impact. In addition, traffic safety is taken into consideration when it comes to the determination of an area of control.*

The evaluation of the 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.

8.5 A practical framework for control

It is generally recognised, even by the advertising signage industry, that outdoor advertising can have a detrimental effect upon the urban environment in certain locations. It is, therefore, essential that areas of control and the nature of control to be exercised be defined in specific terms.

SAMOAC is functionally based upon the notion of three forms of control.

Natural, rural and aesthetically valuable urban areas are protected by their definition as areas of maximum control, areas of partial control and minimum control are proposed in the "...commercialised sections of our urban environment."

In keeping with the SAMOAC approach, and in terms of the vision for the town, 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.

Taking cognisance of those urban characteristics which are specific to the area of Bizana, the three control categories described above, namely “maximum”, “partial” and minimum” are proposed.

The land-use categories described in the tables are purely generic and do not refer to a specific town planning scheme.

When an application is evaluated, the town-planning scheme applicable to the erf in question will be consulted for specific zoning details.

The detailed technical assessment of each class of sign is undertaken by referring to Section 2.4.2 of the SAMOAC Manual – “Guideline Sheets” The practical application of these control categories to the evaluation of outdoor advertising applications is established in the three tables that follow.

TABLE ONE: AREAS OF MAXIMUM CONTROL

LAND USE ZONING AND UNIQUE CHARACTERISTICS	OBJECTIVES	APPROPRIATE SIGN OPPORTUNITIES	RESTRICTIONS ON ADVERTISING SIGNS
GENERIC LAND-USE ZONING: Low and medium density residential; Agricultural; cemetery; public open space. UNIQUE CHARACTERISTICS: Natural open space (including ridges) Natural water course Natural reserve Urban conservation zone Parks National Monument Heritage site Gateway Urban Road	Prevent proliferation of signs. Minimise visual disturbance caused by signs. Optimise visual harmony between sign and landscape. Protect areas and facilities of significant conservation, historical, architectural and recreational value from visual degradation. Preserve the residential amenity of suburbs. Enhance and protect tourism resources. Ensure optimum traffic safety on highspeed/high volume urban road. Enhance and	Only signs conveying an essential message are permitted. Class 1 signs are permitted on urban freeways where the Roads Agency demonstrates that it has been satisfied that the effect on traffic safety is within acceptable norms; an Environmental Impact Assessment must be furnished to the satisfaction of the Council Class 3(l) signs – advertising on towers, bridges and pylons –are permitted on urban Road, subject to the conditions	All classes of signs, other than those specifically mentioned in column 3 “Appropriate sign opportunities”, are forbidden. Those classes of signs, which are permitted in column 3, must conform to the detailed requirements of Section 2.4.2 of the SAMOAC Manual – “Guideline Sheets”.

	protect the scenic amenity of the Bizana	outlined above. Class 4 signs are permitted. The following Class 2 signs are permitted in residential suburbs: advertisements on street furniture; temporary advertisements; street name advertisements; estate agent boards; project boards.	
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TABLE TWO: AREAS OF PARTIAL CONTROL

LAND USE ZONING AND UNIQUE CHARACTERISTICS	OBJECTIVES	APPROPRIATE SIGN OPPORTUNITIES	RESTRICTIONS ON ADVERTISING SIGNS
UNIQUE CHARACTERISTICS: Medium density residential areas in transition. Residential areas where office and commercial encroachment is evident. Residential areas with high-rise apartment blocks interspersed with shops and offices. Small commercial enclaves in suburban streets, suburban shopping centres and office parks, and, ribbon commercial development along main streets. Educational institutions.	Permit greater freedom regarding the size, number and position of advertisement. Encourage a coordinated and integrated approach to outdoor advertising. Ensure that traffic safety is not compromised by advertisements. Permit adequate display of information identifying areas of interest and premises as well as the activities conducted and services and products available on those premises. Provide a means of communicating educational messages as well as message on	All sign classes are permitted,	The restrictions on signs at street corners set out on pages 66 and 67 of the SAMOAC Manual apply. All sign classes must conform with the detailed requirements of Section 2.4.2 of the SAMOAC Manual – “Guideline sheets”

Sports fields stadia. Commercialised squares	products and community services to major target markets in urban areas. Enhance the character of an area or land-use. Enhance and project tourism resources.		
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TABLE THREE: AREAS OF MINIMUM CONTROL

LAND USE ZONING AND UNIQUE CHARACTERISTICS	OBJECTIVES	APPROPRIATE SIGN OPPORTUNITIES	RESTRICTIONS ON ADVERTISING SIGNS
<p>GENERIC LAND-USE ZONING: Business; industrial; commercial; amusement; transport uses; aerodrome.</p> <p>UNIQUE CHARACTERISTICS: Commercial districts, central shopping centres and central office precincts. Entertainment districts or complexes. Prominent public transport nodes such as railway stations, large bus stations and taxi ranks, and, airports (excluding nodes of exceptional historical and architectural value).</p>	<p>Stimulate economic growth by permitting adequate identification, business advertising and adequate means of communicating messages and information on products and services. Recognising that advertising signs express the character of the commercial, entertainment and industrial environment and of public transportation nodes. Ensure equal access to advertising space. Ensure that advertising does not visually degrade the</p>	<p>All sign classes are permitted,</p>	<p>The restrictions on signs at street corners set out on pages 66 and 67 of the SAMOAC Manual apply. All sign classes must conform with the detailed requirements of Section 2.4.2 of the SAMOAC Manual – “Guideline sheets”</p>

Industrial areas or industrial parks.	streetscape character or cause visual clutter. Ensure that traffic safety is not compromised by advertisements. Encourage a co-ordinated and integrated approach to advertising. Enhance tourist and entertainment attractions.		
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8.6 Free Standing Advertising Signs (Hoardings)

Freestanding signs (hoardings), by virtue of their size, can have a powerful impact upon the environment.

While their assessment and control is already addressed in terms of Tables 1, 2 and 3 and Section 2.4.2 of the SAMOAC Manual, it is also specifically proposed that the size of hoardings alongside freeways should be determined in accordance with the distance from the freeway, and the distance between signs permitted alongside roads should be determined in accordance with the applicable speed restriction.

The permissible sizes, and spacing, of freestanding hoardings should therefore be predetermined and indicated on maps of the freeway system for reference when evaluating applications. The speed, size and distance are on the guidelines.

8.7 Pavement Posters

The proliferation of posters attached to electrical poles in the road reserves in the City of Bizana area has been a matter of considerable concern to residents, environmentalists, Councillors and officials alike.

It is therefore proposed that the display of posters is regulated in the following manner: Only three categories of posters may be displayed:

8.7.1 First, posters which advertise a specific event which is broadly cultural, of public interest (including 19 entertainment events, exhibitions, trade fairs), sporting or religious in nature;

8.7.2 Second, posters which display selected news headlines for a specific edition of a newspaper and;

8.7.3 Third, posters for parliamentary or municipal elections.

8.7.4 All posters on lampposts should be 1.5 m above ground and should be limited to 3/4 posters per pole.

8.7.5 The number, and display format, of posters in the third category, for parliamentary or municipal elections, is to be determined by the Senior Manager Development Planning.

8.7.6 The total number of posters in the first category that may be displayed for any single event is limited to 100.

8.7.7 All posters in the first and second categories are to be positioned within Council approved permanent display frames, which are fixed to specific electric light standards, in designated locations, which have been predetermined by the Council. A means of funding the installation and maintenance of these display frames is to be determined by the Council and detailed in the applicable by-laws.

8.7.8 Individual display frames will be clearly allocated by the Council to the two categories of poster described above.

8.7.9 Posters in the first category may only be erected if a sticker/markings signifying the approval of the Council is displayed thereon and the prescribed deposit and fees have been paid.

8.7.10 Posters in the first category may only be displayed for a period of 10 days prior to the event in question and must be removed 3 days after the event in question.

8.7.11 Posters in the second category may only be displayed for maximum period of 24 hours.

8.7.12 Commercial sponsorship of events is permissible on posters falling into the first two categories, but exclusively commercial advertising is prohibited.

No poster/pamphlets/ marketing related products may be distributed at street corners.

8.7.13 *The above policy for posters is in keeping with the guidelines for posters of the SAMOAC manual (refer to Class 2(d)).*

8.8 Estate Agents' Boards

Only those boards advertising the sale or letting of the property itself, situated on the Erf in question and the pavement extending along its particular street frontage, will be permitted. Specific application for approval of such signs is not required.

They are deemed to be approved by the Council on compliance with the applicable by-laws. The proliferation of Estate Agent's directional boards in suburban areas on weekends has given rise to numerous complaints from the public, and is generally considered to be unsightly urban clutter.

The address of a property, which is to be sold, is normally advertised in the press, together with directions from the nearest main arterial road, and directional boards are therefore unnecessary.

8.9 Advertising on Cellular Masts

SAMOAC classifies advertising on cellular masts under category 3(1) "Advertising on towers bridges and pylons".

A cellular mast is a freestanding structure, which varies in height from 20 metres to 50 metres.

While the council and the cellular telephone service providers have gone to considerable lengths to make cellular masts more visually acceptable in residential areas, or on institutional properties (such as schools, for example), there are numerous instances where an "unadorned" mast is an acceptable part of the urban landscape – particularly in build – up areas of predominantly commercial activity.

Applications for advertising on cellular masts should therefore be treated individually on their own merits, applying the following:

8.9.1 The locality of the cellular mast, the land-use zoning of the erf on which it is positioned and its visual impact;

8.9.2 Preference should be given to advertising on cellular masts in shopping centres, in areas of concentrated commercial or industrial activity and on suitable portions of Council-owned land where the council can derive an income from the advertising installation;

8.9.3 Full details of the name boards, wording, logo, materials to be used, the exact size and location of the boards on the tower and details of any illumination or special affects are to be provided when applying 21 for permission to place advertisements on cellular masts.

The same general environmental and aesthetic criteria which are used for the evaluation of applications for outdoor advertising on free-standing billboards (hoardings) and sky-signs apply to advertising on cellular masts.

9. AREAS OF EXEMPTION

Extraordinary circumstances prevailing in certain areas or precincts of the city would require that the council declare the area or precinct exempt from the provisions of this Policy and Code of Practice.

In determining whether extraordinary circumstances exist which justify exemption, the following shall be taken into consideration:

9.1 Whether urban renewal programmes are in place which warrants a unique approach to outdoor advertising within its focus area;

9.2 Whether exemption from the Outdoor Advertising Policy and Code of Practice will contribute to the success of the urban renewal programme;

9.3 The nature and function of the defined area;

9.4 The enhancement of the defined area, which can be achieved by means of exemption;

9.5 The financial benefit to the Council and/or the urban renewal programme accruing from such an exemption; and,

9.6 The nature and extent of outdoor advertising, which will be permitted in terms of the proposed exemption

9.7 In granting exemption, a comprehensive Policy and Guidelines governing Outdoor Advertising for the area to be exempted shall be adopted by the Council.

10. DELEGATIONS

10.1 In view of the well-defined Policy, which is to be applied to applications for outdoor advertising, it is proposed that delegated authority to approve or reject applications to advertise on municipal and private land be granted to the Municipal Manager.

(In terms of the delegation of powers the Municipal Manager has delegated the authority to the Senior Manager Development Planning.

10.2 This delegation is granted specifically in order to expedite the evaluation and approval of applications for 22 outdoor advertising.

11. QUALITY OF MATERIALS AND STRUCTURES

11.1 The quality of materials and structures should be sufficiently substantial to satisfy the Council that the outdoor advertising fixtures in question will not be subject to obvious degradation as a result of exposure to the elements.

11.2 The quality of materials and structures to be used for any form of outdoor advertising is to be to the Satisfaction of the Council, and will be assessed in accordance with the provisions of the National Building Regulations, Act No 103 of 1997, which pertain to the safety of structures.

11.3 Structures and materials should enhance the visual and architectural attributes of the immediate locality.

12. MINIMUM TECHNICAL CRITERIA FOR APPLICATIONS

12.1 The Council shall not consider an application for the approval of any form of permanent outdoor advertising installation, which does not comply with the following minimum criteria with respect to documentation and information:

12.2 Proposal shall be clearly illustrated, with a locality plan, a site plan to a scale of 1:500, and plans, elevations and sections to a scale of 1:100.

12.3 Where, in the opinion of the Council, a proposal cannot be adequately evaluated at a scale of 1:100, further details will be requested, and the scale of the drawings to be furnished shall be stipulated by the council; but will not exceed a scale of 1:20.

12.4 A full description of the materials and finishes to be employed shall be provided on the plan, elevations and sections.

12.5 An artist's impression of the final product in its setting may be requested by the Council if the proposal is located in an area which is architecturally or environmentally sensitive.

12.6 A registered, professional engineer shall take full written responsibility for all structural work contemplated by the applicant.

12.7 A written motivation, briefly setting out the benefits of the outdoor advertising fixtures in environmental, social and economic terms is to accompany each application.

12.8 The written approval of the registered owner of the property (together with copies of the applicable Title Deeds, on request) is to be submitted together with the application.

12.9 The applicant shall satisfy the Council, that proposals for Category One signs have been commented upon by the Ward Councillor.

12.10 The applicant shall satisfy the Council that cognisance has been taken of the relevant statutory provisions regarding the environmental impact of the proposed form of outdoor advertising.

12.11 The above technical criteria for submissions are essential in order to effectively evaluate the application in question on both environmental and technical grounds. It is also intended to expedite the assessment and approval of applications on the grounds that the provision of comprehensive information is an aid to effective decision-making.

12.12 The criteria do not apply to applications for approval of posters, or any form of advertising described in Class 2 (4) – “Temporary advertisements” – where appropriate criteria for submission of applications can be determined administratively.

13. ADMINISTRATION AND REGULATION

13.1 The Policy and Code of Practice, as well as the by-laws for outdoor advertising, are to be effectively and consistently administered, scheduled inspections of signage are to be held and offenders are to be fined or prosecuted.

13.2 Undesirable practices, such as the pasting of advertisements on surfaces in such a fashion as to make the removal of such notices a physical impossibility, should be identified and spelt out in detail in the respective by-laws for Outdoor Advertising.

13.3 Appropriate penalties for undesirable practices are to be prescribed in terms of the by-laws.

13.4 It is recommended that, where there is insufficient internal staff capacity, the Winnie Madikizela-Mandela Local Municipality must appoint, within the framework of the law, private contractors to assist with the 24 removal of illegal advertisements.

13.5 On consent being given for an outdoor advertising sign, the sign/s are to be erected within six months of approval, or the approval will be cancelled; an application can be made for an extension of time, which may be granted at the discretion of the Council.

14. IMPLEMENTATION AND CONTROL FRAMEWORK

14.1 Application

14.1.1 Application to erect advertising signage must be made to Council in the following instances: All signs permitted on private land that requires Special consent in terms of the Guideline Sheets.

All advertising signs erected on Municipal land other than those initiated by Council, in terms of an adjudicated tender and where the exact location of such signs is specified in the approved tender documents, and those signs in Council's ownership.

(All signs excluded from this policy and all signs considered to have Deemed Consent will not require an application to Council.)

14.1.2 Any application for approval required by these by-laws must be made by completing the prescribed application form, by providing all necessary information associated with the particular advertising classes and lodging the completed form with the application fee determined by the municipality from time to time;

14.1.3 The municipality may refuse to consider an application where the relevant form has not been completed properly, where insufficient information have been provided for meaningful evaluation of application, or the relevant fee has not been paid;

14.1.4 An application for Outdoor Advertisement on private land must be signed by the owner of the proposed structure or device upon which the advertisement will be displayed and by the owner of the land on which it is to be erected or displayed, or by the agent of such persons authorised in writing, and must be accompanied by any additional information or documents requested by the municipality;

14.1.5 The municipality, when granting approval for any advertisement, or structure upon which an advertisement is to be displayed in an urban or rural area, must make its approval conditional on the also obtaining the approval of any other relevant authority; 25

14.1.6 The municipality may grant approval subject to conditions, which must be complied with by the owner of the advertisement and/or the owner of the structure upon which an advertisement is to be displayed, the person or persons who erect or display it, the owner of the land on which it is displayed or erected and/or any occupier or other person in charge of such land;

14.1.7 Where the municipality has granted approval for the erection or display of an advertisement, the advertisement may not be moved or re-erected nor shall any alteration be made to the electric wiring system thereof, except for the purpose of maintenance, without first obtaining the further written approval of the municipality;

14.2 Renewal

14.2.1 Approvals granted in terms of these by-laws may be renewed after expiry of the period for which the approval was granted by:

14.2.1.1 Making application for such renewal to the municipality

14.2.1.2 Lodging the application form with the renewal fee determined by the municipality;

14.2.1.3 The municipality may reject an application for renewal or of an approval;

14.2.1.4 Where an approval has so lapsed, application may be made afresh in accordance with the provisions of this policy.

14.2.1.5 The owner of the land on which an advertisement is erected or displayed in terms of an approval obtained under these by-laws, 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 advertisement is erected or displayed, and must present it to any person authorised by the Municipality on request.

The owner of the advertisement, if not also the owner of the land, must provide the owner of the land with certified copies of all relevant documentation;

14.2.1.6 Approvals granted by the municipality in terms of the by-laws shall be additional to, and not in substitution of, consent or approval required by any other law;

14.2.1.7 The municipality may withdraw any approval given under its by-laws where the relevant advertisement does not or ceases to comply with its by-laws, or a condition imposed in such approval has not been complied with.

14.2.1.8 In respect of temporary advertisements applied, welfare organisations, schools, churches, 26 government and semi-government structures as well as organisations organising large community events that has an economic benefit for the municipal area, may by means of a written application to the municipality, only pay 50% of the prescribed application fees and the applicable deposit.

14.2.1.9 An applicant shall submit two (2) copies of an application for the erection of advertising sign on the relevant application form.

14.2.1.10 This application form shall be accompanied by the following:

14.2.1.11 A clear indication of the sign-class being applied for

14.2.1.12 A detailed site plan with adequate dimensions

14.2.1.13 Elevations; and

14.2.1.14 Any other additional information required in terms of this policy (i.e. structural design, traffic or environmental impact assessments) and/or by the Executive Director Economic Development and Planning (i.e. photographs)

14.3 Enforcement

14.3.1 Municipal Bylaws

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

14.3.2 Control of illegal signs

14.3.2.1 Any person who displays or attempts to display a new sign or who alters or adds to, or attempts to alter or add to, an existing sign on private or municipal land without the prior written approval of the Council given in terms of this policy, where specific consent is required, shall be guilty of an offence.

14.3.2.2 Any such person displaying an unauthorised sign on private land shall forthwith after serve on him of an order in writing to that effect under the hand of the Senior Manager Development Planning, cease or cause to cease all work on the display of such new sign, or shall cease or cause to cease any alteration or addition to such existing sign, as the case may be, and any such person who fails to comply with such order shall be guilty of an offence.

14.3.2.3 Any person who, having obtained such approval, does anything in relation to any sign on private or municipal land which is a departure from any form or plan approved by the local authority shall be guilty of an offence.

14.3.2.4 Any person shall forthwith, after the service upon him of an order in writing to that effect under the hand of the authorised employee of the Council, discontinue or cause to be discontinued such departure, and any such person who fails to comply with such order shall be guilty of an offence.

14.3.2.5 If, before the completion of the removal or obliteration required by such order, such person satisfies the Council that he has complied with these regulations, Council may withdraw such order.

14.3.2.6 If, in the opinion of the Council, any sign is illegal, the Council may serve a notice on an owner requiring him at his own cost, to remove the sign or to amend, move or alter such sign in order to comply with the by-laws within a period so specified.

14.3.2.7 The Council may, if the sign does not comply with said by-laws and without council's consent, itself carry out the removal of a sign or do other work it may deem necessary.

14.3.2.8 If any sign displayed on municipal land contravenes any of the provisions of this advertising policy, the sign may be removed and destroyed by the Executive Director Economic Development and Planning or his delegate without any order or notice being served.

14.3.2.9 The Council shall, in removing a sign, not be required to compensate any person in respect of such a sign in any way for loss or damage resulting from its removal and any cost incurred in removing a sign may be recovered from the person or business who erected the sign. 28

14.3.3 Offences

Any person who:

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

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

14.3.3.3 Contravenes or fails to comply with any conditions imposed in terms of the By-laws; knowingly makes a false statement in respect of any application in terms of the Bylaws; shall be guilty of an offence and shall on conviction be liable to a fine not exceeding R5000,00 or in default of payment, to imprisonment for a period not exceeding twelve months, and in the case of a continuing offence to a fine not exceeding R 500,00 for every day during the continuation of such offence, and for a second or subsequent offence shall be liable on conviction to a fine not exceeding R 1500,00 per day or in default of payment, to imprisonment for a period not exceeding three months.

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

14.3.4 Responsible persons

14.3.4.1 If any person is charged with an offence, relating to any sign, advertising board or poster:

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

14.3.4.3 The owner of any land or building on which any sign, advertising hoarding or poster was displayed, shall be deemed to have displayed such sign, advertising hoarding or poster, or caused or allowed it to be displayed;

14.3.4.4 Any person who was either alone or jointly, with any other person responsible for organising, or was in control of any meeting, function or event which a sign or poster relates, it shall be deemed to have displayed every sign or poster displayed in connection with such meeting, function or event to have caused or allowed it to be displayed;

14.3.4.5 Any person whose name appears on a sign, advertising hoarding or poster shall be deemed to have displayed such sign, advertising hoarding or poster or to have displayed, unless the contrary is proved.

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

15. EXEMPTED AND PROHIBITED SIGNS

15.1 Exempted Signs

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

15.1.2 Any sign displayed inside a sports stadium, which is not visible from outside the stadium;

15.1.3 Any 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 may be seen from outside the building and which is not aimed primarily at attracting the attention of the road user:

15.1.4 Any national flag hoisted on a suitable flagpole as long as nothing is added to the design of the flag and no advertising material is added to the flagpole;

15.1.5 A sign which is displayed by the council:

15.1.6 Any sign displayed on an approved advertising hoarding, which complies with other relevant requirements of this policy; and

15.1.7 Any banner or flag carried through the streets as part of a procession.

15.1.8 A price ticket smaller than 0,01sq.m. on an item displayed in a shop window;

15.2 Prohibited Signs

15.2.1 Any sign type not covered by the policy and by-laws shall be regarded as an illegal sign unless the specific consent of the municipality has been obtained.

15.2.2 No person shall erect or display any of the following signs or cause or allow any such sign to be erected or displayed or such action to be carried out:

15.2.3 Any sign painted on, attached to, or fixed between the columns or posts of a veranda.

15.2.4 Any sign, which will obscure a road traffic sign or signal, or which may be mistaken for, or cause confusion with or interfere with the functioning of a road traffic sign or signal.

15.2.5 Any sign, which will obstruct any window or opening provided for the ventilation of a building or which obstructs any stairway or doorway or other means of exit from a building or which will prevent the movement of persons from one part of a roof to another part thereof.

15.2.6 Any animated or flashing sign, 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.

15.2.7 Any illuminated sign, the illumination of which disturbs the residents or occupants of any building or is a source of nuisance to the public.

15.2.8 Any swinging sign, which is a sign not rigidly and permanently fixed.

15.2.9 Any sign displayed on land not in accordance with the relevant zoning or approved consent use as per applicable Town-planning Scheme.

15.2.10 Any advertisement or sign other than an exempted sign, for which neither a permit nor approval has been obtained.

15.2.11 Any sign painted on a boundary wall or fence in a residential and rural area.

15.2.12 Any advertising sign, which, in the opinion of Winnie Madikizela-Mandela Local Municipality, is suggestive of anything indecent or may prejudice the public morals.

15.2.13 Any sign, which relates to a business, which is conducted on an erf, or land, which is not zoned for that specific purpose.

15.2.14 Any advertisement, which relates to cigarettes or other tobacco products on Council property.

15.2.15 Any poster pasted onto supporting columns, walls, pillars or any poster pasted otherwise than on a hoarding legally erected for the purpose of accommodating such poster.

15.2.16 The distribution of pamphlets at road intersections

15.2.17 Any permanent sign of which the maximum display period has expired.

15.2.18 Advertisements that cannot be classified in full into one of the recognised advertising classes

15.2.19 Any advertisement inside a road reserve, which contains or does not contain retroreflective material unless approval has been obtained.

16. GENERAL CONDITIONS AND PRINCIPLES

16.1 Amenity and Decency

No sign, shall;

16.1.1 Be detrimental to the environment or to the amenity of a human living environment by reason of size, shape, colour, texture intensity of illumination, quality of design or materials or for any other reason;

16.1.2 Be in its content objectionable, indecent or suggestive of indecency or prejudicial to the public morals; or

16.1.3 Unreasonably obscure, partially or wholly, any sign owned by another person previously erected and legally displayed.

16.2 Safety

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

16.2.2 Constitute a danger to any person or property;

16.2.3 Be placed or contain an element, which distracts the attention of drivers in a manner likely to lead to unsafe driving conditions;

16.2.4 Be illuminated to the extent that it causes discomfort, to or inhibits the vision of approaching pedestrians or drivers;

16.2.5 Be attached to a road traffic sign or signal (excluding street name signs and suburban name signs), combined with a road traffic sign or signal (unless specifically provided for in the South African Road Traffic Signs Manual (SARTSM), obscure a road traffic sign or signal, create confusion with a road traffic sign or signal, interfere with the functioning of a road traffic sign or signal or create a road safety hazard in the opinion of the roads authority;

16.2.6 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;

16.2.7 Project over a sidewalk or pedestrian circulation route, unless the clear height of such sign exceeds 2,40 m and for a cycle circulation route a clear height of 3,00m.

16.2.8 Obstruct any fire escape or the means of egress to a fire escape or obstruct or interfere with any window or opening required for ventilation purposes; or

16.2.9 Exceed the minimum clearance with regard to overhead power lines as prescribed in regulations 15 of the Electrical Machinery Regulations (No R 1593 in GG 11458 of 12 August 1988). (Permission must be obtained from the relevant supply authority before any advertising structure may be erected in a power-line servitude).

16.2.10 Contain any surfaces covered with retro-reflective material and/or paint.

16.2.11 Resemble a formal road traffic sign in colour, shape or general appearance.

16.2.12 Be closer than 25m from a formal road traffic sign, if located within the road reserve.

16.2.13 Signs or advertisements positioned along roads and specifically targeting the road user shall be concise and legible and shall comply with the following requirements:

16.2.14 No signs displaying a single advertisement or message shall exceed 15 "bits" of information.

16.2.15 No combination sign or any other sign displaying more than one advertisement or message shall contain more than 6 "bits" of information per enterprise, service or property or per individual advertisement of message displayed on a combination sign. "Bit" values shall be calculated as follows:

16.2.15.1 Words of up to 8 letters, inclusive	: 1 "bit"
16.2.15.2 Numbers of up to 4 digits, inclusive	: 0.5 "bit"
16.2.15.3 Numbers of 5-8 digits	: 1 "bit"
16.2.15.4 Symbol, logo or abbreviation	: 0.5 "bit"

16.2.16 Street numbers indicating specific premises shall have a minimum size of 150 mm and a maximum size of 350 mm.

16.2.17 The minimum letter size to be used on advertising signs inside road reserves shall be 80mm.

16.2.18 No message shall be spread across more than one sign or sign panel.

16.2.19 The underlying safety philosophy is as follows:

16.2.20 No sign may be erected in such a way that:

16.2.20.1 A pedestrian may walk into, fall over, or hit his/her head against an advertisement or its supporting structure.

16.2.20.2 It can be mistaken as a formal road traffic sign, competes with formal road traffic signs for attention of motorists,

16.2.20.3 Reduces the visibility of road traffic signs, other traffic or pedestrians inside the road reserves.

16.2.20.4 It causes motorists to decelerate or execute any other unexpected driving manoeuvre that may result in vehicular conflict.

17. DESIGN AND CONSTRUCTION

17.1 Any sign approved by Council should be so designed and displayed that it:

17.1.1 Shall, be constructed, executed and finished in a neat and proper manner;

17.1.2 Shall, not be detrimental to or have a negative aesthetic impact on the urban design, streetscapes or the character of the surrounding area by way of the design of the structure or device;

17.1.3 Shall have a neat appearance and shall 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 sign;

17.1.4 Shall have a neat appearance in terms of advertisement content and sign writing while untidy- written messages should be avoided as far as possible;

17.1.5 Shall not deface building facades with electrical services provisions and other accessories

17.1.6 Shall be rigidly and securely attached, supported or anchored in a safe manner and so that unwanted movement in any direction is prevented;

17.1.7 Shall be capable of effectively securing, supporting and maintaining not less than twice its mass with the addition of any force to which the sign may be subjected, including wind pressure;

17.1.8 Shall 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, masonry or concrete or passing through the same and secured on the opposite side;

17.1.9 Shall, when attached to conservation-worthy buildings be attached with the necessary expert advice in order to prevent damage to such buildings;

17.1.10 Shall not be detrimental to the environment or to the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or materials or for any other reason;

17.1.11 Shall not constitute a danger to any person or property;

17.1.12 Shall not display any material which is indecent, suggestive of indecency, prejudicial to public morals or objectionable, or

17.1.13 Shall not obliterate any other signs;

17.1.14 Shall not in the opinion of the Council, be unsightly or detrimentally impact upon a sound architectural design;

17.1.15 Shall not in any way impair the visibility of any road traffic sign or the safety of a motorist.

17.1.16 Shall in size, location and its alignment in relation to any existing sign on the same building or erf, be compatible with the visual character of the area surrounding it;

17.1.17 Should be appropriate to the type of activity to which it pertains.

17.2 Any advertiser or contractor:

17.2.1 Shall not use water-soluble adhesive, adhesive tape or similar material to display or secure any sign or advertisement elsewhere than on a billboard, board or any structure provided for this purpose.

17.2.2 Shall have all exposed metalwork of any sign painted or otherwise treated to prevent corrosion and all timber treated to prevent decay; and

17.2.3 Shall have measures taken to prevent the entry of water into and the accumulation of water or moisture on or in any sign or any part of its supporting framework, brackets or other members.

17.3 Glass:

17.3.1 All glass used in signs (other than glass tubing in neon and similar signs) shall be safety glass at least 3mm thick.

17.3.2 Glass panels used in signs shall not exceed 0,900 m² in area, each panel being securely fixed in the body of the sign, structure or device independently of all other panels.

17.4 Electrical:

17.4.1 Every illuminated sign and every sign in which electricity is used:

17.4.2 Shall have power cables and conduit containing electrical conductors positioned and fixed so that they are not unsightly in the opinion of the controlling authority;

17.4.3 Shall be constructed of material, which is not combustible;

17.4.4 Shall be provided with an external switch in an accessible position whereby the electricity supply to the sign may be switched off; and

17.4.5 Shall be wired and constructed in accordance with and subject to the provisions of council's electricity supply by-laws.

17.5 Damage to property:

17.5.1 No person shall, in the course of erecting or removing any sign, advertisement structure or device, cause damage to any tree, electrical standard or service or other public installation or property.

18. MAINTENANCE

Any sign;

18.1 Should, where possible, be located at a height that discourages vandalism;

18.2 Shall be inspected and serviced on a regular basis; and

18.3 Shall be maintained in good repair, in a safe condition, and according to the highest standards as regards quality of structures, posting and sign writing.

18.4 The owner of any land or building on which a sign is displayed or erected, or to which a sign is attached, and the owner of any such sign shall be jointly and severally responsible for the maintenance in a safe and proper condition and for the cleaning and the repainting of any such sign.

19. POSITION

19.1 Signs: As permitted by Winnie Madikizela-Mandela Local Municipality:

19.2 Shall not be positioned on a road island or road median with the exception of street name advertisements.

19.3 Shall not be suspended across a road with the exception of signs permitted on bridges across certain rural and urban roads other than freeways as well as banners suspended across urban roads other than freeways and as part of a streetscaping project.

19.4 Shall not be erected within or suspended above a road reserve or within the limited use area outside the road reserve boundary of freeways, with the following exceptions:

19.5 That the under-mentioned may be allowed within all road reserves:

19.5.1 Sponsored road traffic projects

19.5.2 Service facility signs

19.5.3 Tourism signs

19.5.4 Vehicular advertising

19.6 Project boards that concern road construction may be allowed within all road reserves;

19.7 Project boards that do not concern road construction may be allowed on the actual development site only;

19.8 That with council's consent, the under-mentioned may be allowed within all urban road reserves other than Provincial Road:

19.8.1 Large posters and advertisements on street furniture.

19.8.2 Banners and flags.

19.8.3 Suburban ads.

19.8.4 Projecting signs.

19.8.5 Verandas, balcony canopy and under-awning signs.

19.8.6 Functional advertisements by public bodies.

19.9 Pavement posters and notices, street name advertisements as well as signs on bridges, towers and pylons may be allowed within road reserves other than freeways but only in areas of minimum or partial control.

19.10 Neighbourhood watch and similar council supported schemes signs may be allowed within road reserves other than freeways in urban, rural and natural environments.

19.11 Flat signs, projecting signs, veranda, balcony, canopy and under-awning signs may be allowed within the limited use area along freeways if the main building housing an enterprise is within 50 metres from the road reserve boundary of a freeway and if there is

no other appropriate means of indicating that particular enterprise facing another public road carrying through passing traffic.

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

19.12.1 Temporary window signs

19.12.2 Street name advertisements

19.12.3 Flat signs

19.12.4 Projecting signs

19.12.5 Veranda, balcony, canopy and under-awning signs

19.12.6 Window signs 19.12.7 Signs incorporated into the fabric of a building

19.13 Illuminated signs allowed within restricted areas at signalised street corners shall have a clear height of at least 6 m if such sign contain the colours red, green or amber.

20. ILLUMINATION

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

Illuminated area Max.	Luminance
Less than 0,5m ²	1000 candela/m ²
0,5m ² < 2m ²	800 candela/m ²
2m ² < 10m ²	600 candela/m ²
10m ² or more	400 candela/m ²

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

20.3 Floodlighting shall be positioned to ensure effective distribution and minimize light wastage of "spill".

20.4 In respect of urban freeways, irrespective of the area of control, the under-mentioned signs may not be illuminated in any way unless overhead lighting lights the freeway over the full distance within which the advertising sign is visible from the freeway.

- 20.4.1 Super billboards
- 20.4.2 Custom-made billboards
- 20.4.3 Large billboards
- 20.4.4 Small billboards and tower structures
- 20.4.5 Suburban ads
- 20.4.6 Temporary advertisements
- 20.4.7 Product replicas and three-dimensional signs
- 20.4.8 Flat signs
- 20.4.9 Roof signs
- 20.4.10 Signs painted on walls and roofs
- 20.4.11 Signs incorporated in the fabric of a building
- 20.4.12 Signs on towers, bridges and pylons
- 20.4.13 Advertisements on construction site boundary walls and fences
- 20.4.14 Aerial signs
- 20.4.15 Trailer advertising

21 PUBLIC TENDERS

Council will invite and adjudicate on tenders for each standard advertising type aiming to provide non-locality-bound advertising space for private sector services, products or any other message on Municipal land in accordance with the Supply Chain Management Policy.

21.1 Street furniture: (lamppost, waste bins) A tender may be awarded to more than one successful tenderer, according to regions or any other criteria that Council may deem necessary.

21.2 The successful tenderer will:

21.2.1 Be responsible for the erection of advertising signs in terms of the conditions and stipulations of the By-laws on Outdoor Advertising control and his contract with the Council;

21.2.2 Maintain advertising signs in accordance with the maintenance clauses as set out in the By-laws on Outdoor Advertising control and any other additional conditions stipulated in his contract with Council;

21.2.3 Be responsible for the removal of any sign of the same class for which that particular contract has been awarded, illegally erected on Council-owned land; and

21.2.4 Be considered in breach of contract should he not comply with any of the above. Council shall serve final notice on the contractor to rectify compliance with the said contract conditions.

21.2.5 Should the said contractor not comply with the above within two (2) months after final notice have been served, Council will have the right to relieve him of his contract after which the said contractor will have no rights to the advertising signs already erected. Council will then re- advertise the relevant contract for public competition in terms of Council's tender procedures.

21.3 Billboards:

Permission and approval for the erection and installation of billboards of all classes will be done on an ad hoc basis and no exclusive rights will be given to any one company to erect billboards in a specific region.

22. WITHDRAWAL OR AMENDMENT OF COUNCIL'S APPROVAL AND APPEAL PROCEDURE

22.1.1 The Council may refuse, withdraw or amend any condition or impose a further condition in respect of such approval at any time if in the opinion of the Council:

22.1.2 It will be or becomes detrimental to the environment or the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or materials or for any other reason;

22.1.3 It will constitute or become a danger to any persons or property,

22.1.4 If the sign is in a state of disrepair or does not comply with this Policy;

22.1.5 It will obliterate other signs, natural features, architectural features or visual lines of civic or historical interest; and

22.1.6 The advertisement does not comply with this policy; or does not conform to the initial approved application.

22.1.7 It will be in its content objectionable, indecent, or suggestive of indecency or prejudicial to the public morals.

22.1.8 It becomes necessary to implement traffic signage or traffic control measures that will be in competition with the advertisement, or where the removal of the advertisement is necessitated by road improvements.

22.1.9 It becomes clear that approval of an application is invalidated as a result of a misrepresentation by the applicant or oversight by a council official.

22.2 Appeal procedure:

22.2.1 Any person may appeal to the Municipal Manager of the Council against a disapproval of an application in terms of this policy by an official of the Council within 30 days of receipt of notice of such decision;

22.2.2 Such appeal shall be made by lodging a notice setting out the nature and grounds of the appeal within the period contemplated in subsection above with the Municipal Manager of the MLM;

22.2.3 The Municipal Manager referred to in subsection above, or his/her delegated official, shall hear the appeal including any oral or written submission from either party, and inform the applicant of its decision, which shall be final, and the reasons therefore.

22.3 Complaints:

Any complaints from the public (excluding the applicant who are entitled to the appeal procedure in section above) regarding this policy may be directed to the Council at P.O. Box 3704, Bloemfontein, 9300 and the council shall furnish a reply in writing to the complainant.

23. ERECTION AND MAINTENANCE OF SIGNS AND ADVERTISING HOARDINGS

23.1 If, in the opinion of the Council, any sign is in a dangerous or unsafe condition or has been allowed to fall into a state of disrepair or interferes with the functioning of any road traffic sign, the Council serve a notice on an owner requiring him at his own cost, to remove the sign or do other work specified in the notice within a period so specified.

23.2 The Council may, if in its opinion an emergency exists, instead of serving notice, or if such notice has been complied with within the period specified therein, itself carry out the removal of a sign or do other work which it may deem necessary and may recover the cost thereof from the owners, jointly and severally.

24. REMOVAL OF SIGNS OR ADVERTISING HOARDINGS

24.1 If any sign or advertising board 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 the By-laws, the municipality may serve a notice on or may instruct the owner of the sign or advertising hoarding to remove such sign or advertising board or carry out such alteration thereto or do such other work as may be specified by the relevant official of the Municipality within a specified time;

24.2 If a person fails to comply with a request as stated in the preceding paragraph the municipality may remove such a sign or advertising board;

24.3 Temporary advertising signs that have been approved for a limited period must be removed Within 3 days after approval has lapsed. In the case of trailer advertisements, the trailer must be removed on the last day of the approved period;

24.4 The municipality shall in removing a sign or board not be required to compensate any person in respect of such sign or advertising hoarding, in any way for loss or damage resulting from this removal;

24.5 Any costs incurred by the municipality in removing a sign or advertising board, or in doing alterations or other works in terms of this policy will be recovered from the owner and if a deposit has been paid in respect of such sign or board the costs may be deducted from the deposit; 42

24.6 Notwithstanding the above-stated provisions, the municipality itself shall, without serving any notice, carry out the removal of such sign or advertising board;

24.7 The municipality shall charge a poundage fee for such signs that were removed in terms of this section as determined by Winnie Madikizela-Mandela Local Council; (as stated in the Bylaws)

24.8 A poundage fee mentioned above shall be payable to the municipality per sign per working week (Monday to Friday) or part of the week;

24.9 The municipality shall destroy such signs that were removed in terms of this section, within one week after such removal, should the owner of such sign fail to claim such sign or pay the poundage fee as stated.

24.10 actual expense the municipality incurred during the removal of signs in terms of this section shall be payable by the owner of such signs to the municipality.

25. SERVING OF NOTICES

Where any notice or other document is required by these by-laws to be served on any person,
it shall be deemed to have been properly served personally on him or on any member of his household apparently over the age of sixteen years or at his place of residence or on any person employed by him at his place of business,
or if sent by registered post to such person's residential or business address as it appears in the records of the municipality, or if such person is a company,
if served on an officer of that company at its registered office or sent by registered mail to such office.

26. DAMAGE TO COUNCIL PROPERTY

No person shall intentionally or negligently, in the course of erecting or removing any sign, advertising hoarding, poster or banner cause damage to any tree, electric standard or service or other Council installation or property and in the event that damage has been caused to the municipal property the person will be liable to an amount equal to the expenses incurred to repair the damage

27. ENTRY AND INSPECTION

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

28. TRANSITIONAL PROVISIONS

Any advertisement that was erected or displayed on the date of commencement of the bylaws that is prohibited by the by-laws, and is not an advertisement for which the municipality may grant approval,
must be removed within 90 days of such date of commencement;

Where an advertisement has been erected or displayed on the date of commencement of the by-laws, which, in terms of the by-laws, may not be so erected or displayed without the approval of the Municipality or another authority, the owner of the advertisement must apply to the municipality or the other authority, as the case may be, for such approval, within 90 days of such date of commencement, failing which the advertisement must be removed forthwith. No such application may be made in respect of an advertisement contemplated in subsection (1); If approval for an advertisement contemplated in subsection (2) has been refused, the owner must remove it within 30 days of receipt of notification of such refusal. Where such a notification has been posted by registered post, the owner will be deemed to have received it eight days after posting thereof; All approved signs already in existence on the publication of these by-laws shall within a period of one (1) year after such promulgation, be removed or corrected to comply with the said by.


OUTDOOR ADVERTISING TARIFFS

The tariffs will be determined by the Gazetted tariffs of that financial year.

FEEES FOR SIGNS ERECTED WITHOUT AUTHORISATION

The Development Planning may impose a penalty fee of R100.00 per day to a maximum of R5000.00 on any sign erected on a property without municipality's authorisation. Such fees may be calculated from the date of the notice issued until such date that the sign is rectified. Should the penalty fee not be paid, said fee may be charged to the municipal account of that specific property.

Signed on the _____ day of _____ 202



L. Mahlaka
MUNICIPAL MANAGER