

EMAKHAZENI LOCAL MUNICIPALITY



DRAFT BYLAWS ON ACCOMMODATION ESTABLISHMENTS

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1. Title

These by-laws are entitled the By-Laws on Accommodation Establishments of Emakhazeni Local Municipality.

2. Definitions

Unless it is clear that the context shows otherwise, in these by-laws –

“accommodation establishment” means any place in which accommodation is provided for gain to four or more people, with or without meals OR any premises in which the business of providing lodging with or without one or more meals per day is conducted or intended to be conducted for reward or gain, but does not include premises which is duly registered as a hotel under any law relating to the registration of hotels, or which provides lodging with one or more meals and has fewer than five beds or which provides no meals and has fewer than three rooms that are let or intended for letting;

“Council” means the Council of the Emakhazeni Local Municipality;

“dormitory” means a sleeping room in which sleeping accommodation is provided for four or more persons;

“landlord or landlady” means the person who owns or operates an accommodation establishment;

“Municipality” is either the body referred to in Section 2 of the Local Government: Municipal Systems Act 32 of 2000, or the area determined in terms of the Local Government: Municipal Demarcation Act 27 of 1998;

“occupier” means –

- (i) any person in actual occupation of the premises; or
- (ii) any person legally entitled to occupy the premises; or

- (i) any person having charge or management of the premises and includes any agent of such person when he is absent from the Republic of South Africa or his whereabouts are unknown.

"official" means a designated employee who is authorized in terms of paragraph 11 by the Municipality;

"overcrowding" means –

- (i) a residential occupancy in excess of twelve occupants per sanitary convenience; and/or
- (ii) occupancy of habitable rooms (being all rooms in a dwelling excluding kitchens, bathrooms and sanitary conveniences) for sleeping purposes where such occupation exceeds one adult person per 4 square meter and/or one child under 10 years of age per 2 square meter;

"owner" means –

- (i) the person or persons in whom from time to time shall be vested the legal title to any immovable property;
- (ii) in any case where a property is subject to a registered lease, the lessee of such property;
- (iii) in cases where the person in whom the legal title is vested is insolvent or deceased, or is of unsound mind or whose estate has been assigned for the benefit of his creditors, the person in whom the administration of the property is vested as trustee, executor, curator, assignee or administrator;
- (iv) in cases where the owner is absent, the agent or person receiving the rent of the property concerned;
- (v) in any case where the property is beneficially occupied under a servitude or right similar thereto, the occupier of such property.

“proprietor” means the natural person who carries on or who is charged with carrying on of business by providing lodging or both lodging and meals for reward or gain and includes an owner of such property.

3. Scope of By-laws

These by-laws apply to all persons who own or carry on the business of providing accommodation for gain in an accommodation establishment on premises within the Emakhazeni Municipal area of jurisdiction, but do not apply to a private home.

4. Non-discrimination

4.1 These by-laws are applied in such a way as not to discriminate between persons on any grounds;

4.2 These by-laws are applied in such a way as to respect and protect all people’s rights to dignity, privacy, the right to trade freely as well as the right to an environment that is not harmful to anyone’s health or well-being.

5. Objects

The objects of these by-laws are –

5.1 To provide procedures, methods and practices to regulate the operation of accommodation establishments within the Emakhazeni Municipal area.

5.2 To promote the achievement of a safe and healthy environment for the benefit of residents within the jurisdiction of the Emakhazeni Municipal area.

6. Permit requirement

6.1 A person may only operate an accommodation establishment within the Emakhazeni Municipal area with a permit authorising that activity, issued by the Council.

- 6.2 The application form for such a permit is contained in Schedule 1 of these by-laws.
- 6.3 The Council may require an applicant to submit further particulars, plans or drawings.
- 6.4 The Council may issue a permit to the applicant on such conditions and restrictions and for such a period as the Council deem necessary, and against payment of the prescribed fee.
- 6.5 If the permit is issued for a specified period, it may be renewed if an application is made before the expiry of the permit.
- 6.6 The granting of a permit is conditional upon the effective prevention of any nuisance to the public or employees of the business or a danger to the health of the public or employees of the business.

7. Requirements for premises of accommodation establishments

A person may only operate an accommodation establishment on premises which complies with the following requirements:

- 7.1 A room wholly or partly used by persons for sleeping in, may not be occupied by a greater number of persons than will allow-
- (i) less than 11,3 m³ of free air space and 3,7 m² of floor space for each person over the age of 10 years; and
 - (ii) less than 5,7 m³ of free air space and 1,9 m² of floor space for each person under the age of 10 years;
- 7.2 A latrine, passage, staircase, landing, bathroom, cupboard, outbuilding, garage, stable, tent, storeroom, lean-to, shed, kitchen, dining room, food preparation area, cellar or loft may not be used as sleeping accommodation;
- 7.3 Every person in a dormitory or a room –

- (i) should be provided with a single bed, manufactured of metal or some other durable material and equipped with a mattress;
- (ii) should be provided with a separate locker or wardrobe with sufficient space to stow belongings or hang clothes, which locker or wardrobe must be fitted with a working lock and key;
- (iii) should have their bed placed in such a manner that its sides are at least one metre away from any part of any other bed;

7.4 An accommodation establishment must be provided with –

- (i) an area for the preparation and cooking of food, adequate for the use of and easily accessible to any occupier residing in the accommodation establishment;
- (ii) adequate separate wash-up facilities; and
- (iii) where meals are provided to persons housed in the accommodation establishment, a dining-room or adequate dining area with tables and chairs or benches and unobstructed floor area, including the area occupied by tables, chairs and benches, of at least 1,2 m² for every seat provided for dining purposes;

7.5 An accommodation establishment must be provided with –

- (i) one or more showers, each suitably placed in a separate compartment, easily accessible to every occupier, and fitted with waste pipes which comply with the provisions of the National Building Regulations and Building Standards Act; or
- (ii) a bath fitted with a waste pipe;

- The facilities referred to in subparagraphs (i) and (ii) must be designated for the different genders;
- 7.6 An accommodation establishment must be provided with sanitary fixtures as prescribed in the National Building Regulations and Building Standards Act and such fixtures must be designated for the different genders;
- 7.7 An accommodation establishment must be provided with an adequate supply of hot and cold running potable water;
- 7.8 All rooms and passages must be provided with adequate ventilation and lighting as prescribed in the National Building Regulations and Building Standards Act;
- 7.9 Openings such as doors, windows or fanlights may not be obstructed in a manner that interferes with the lighting or cross ventilation they provide;
- 7.10 A separate area with metal bins or canvas laundry bags must be provided for the storage of dirty articles used in connection with an accommodation establishment, pending removal to be laundered and if articles used in connection with an accommodation establishment are cleaned on the premises, facilities for the washing, drying and ironing must be provided.
- 7.11 An area for the storage of furniture and equipment and an area for the storage of clean bed and other linen, towels, blankets, pillows and other articles used in connection with an accommodation establishment, must be provided;
- 7.12 All –
- (i) walls and ceilings must have a smooth finish and be painted with a washable paint, or have some other approved finish;

- (ii) floor surfaces of the kitchen, scullery, laundry, bathroom, shower, ablution room, toilet and sluice room must be constructed of concrete or some other durable, impervious material brought to a smooth finish; and
 - (iii) floor surfaces of every habitable room must be constructed of an approved material;
- 7.13 The following facilities must be provided for people who are employed and also reside on the premises:
 - (i) Sleeping quarters equipped with a bed, mattress and locker which comply with the provisions of paragraphs 7.1 to 7.3 for each employee; and
 - (ii) if employees are not provided with meals in the accommodation establishment, food preparation and dining facilities that comply with the provisions of paragraph 7.4.
- 7.14 Adequate changing facilities must be provided for non-resident employees;
- 7.15 Adequate ablution and sanitary facilities, which comply with the provisions of paragraphs 7.5 and 7.6, must be provided for resident and non-resident employees;
- 7.16 An adequate refuse holding area must be provided, including a refuse receptacle with a close-fitting lid in every room used for sleeping and an approved refuse removal system must be maintained;
- 7.17 All walls, floors and roofs must be constructed in a manner which prevents wind or rain entering an accommodation establishment or dampness entering the interior surfaces of any wall or floor;

7.18 All accesses to an accommodation establishment must have a door which when closed, prevents the wind or rain entering the premises; and

7.19 All windows must be constructed in a manner that prevents rain entering the accommodation establishment when the windows are closed and prevents the diminishing of the natural illumination of the room.

8. Duties of operators of accommodation establishments

Every person who conducts an accommodation establishment must –

8.1 keep the premises and all furniture, fittings, appliances, equipment, containers, curtains, covers, hangings and other soft furnishings, table linen, bed linen, and other bedding, towels and cloths of whatever nature used in connection with the accommodation establishment, in a clean, hygienic and good condition at all times;

8.2 clean and wash any bed linen, towel, bath mat or face cloth after each use by a different person;

8.3 take adequate measures to eradicate pests on the premises;

8.4 provide a container made of a durable and impervious material, equipped with a close-fitting lid, in every toilet used by females;

8.5 provide towel rails or hooks in every bathroom and in every room in which there is a wash-hand basin or shower;

8.6 stores all dirty linen, blankets, clothing, curtains and other articles used in connection with an accommodation establishment in the manner provided in paragraph 7.10;

8.7 store all clean linen, towels, blankets, pillows and other articles used in connection with the accommodation establishment in the manner provided in paragraph 7.11;

- 8.8 keep all sanitary, ablution and water supply fittings in good working order;
- 8.9 keep every wall, surface and ceiling, unless constructed of materials not intended to be painted, painted at the intervals to ensure that the area painted, remains clean and in a good state of repair; and
- 8.10 handle refuse in the manner provided in paragraph 7.16.
- 8.11 ensure that he or she has waste storage facilities which comply with the By-Laws on Waste Management.

9. Requirements relating to water and sanitation

A landlord or landlady must –

- 9.1 Provide to persons using the accommodation –
 - (i) a regular supply of potable water which is sufficient for their use; and
 - (ii) latrines which are sufficient in number and capacity;
- 9.2 Ensure the proper removal and disposal of household refuse at least once a week
- 9.3 Ensure the proper storage, removal and disposal of faecal matter, except where pit latrines or a method for the adequate treatment of such matter by enzymatic or chemical process;
- 9.4 Ensure that bathrooms contains a shower or bath and a hand basin, fitted with taps that provide hot and cold running potable water at all times;

10. Preparation and serving of food

- 10.1 A landlord or landlady who prepares or serves food on the premises for consumption by guests, irrespective of whether it is paid for separately or

- included in the cost of the accommodation, must comply with the provisions of the Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food published under Government Notice No. R.918 of 30 July 1999, as amended by Government Notice No. R.1125 of 8 August 2003, made in terms of section 35 read together with section 40 of the Health Act, 1977 (Act 63 of 1977).
- 10.2 A landlord or landlady may only prepare or serve food on the premises if he/she is in possession of a certificate of acceptability issued by the Council in terms of the regulations referred to in paragraph 10.1 above.
- 10.3 A landlord or landlady who wants to apply for a certificate of acceptability referred to in paragraph 10.2 above, must apply for it on an application form as set out in Schedule 2.
- 10.4 The completed application form must be submitted to the office of the Municipal Manager.
- 10.5 If the Council grants the certificate of acceptability to the landlord or landlady, it must issue to that person a certificate similar to that contained in Schedule 3.
- 11. Appointment, responsibility and powers of officials**
- 11.1 Without limiting the application of any other law or a person responsible for carrying out the provisions of such law, the person or persons responsible for carrying out the provisions of these By-laws within the Emakhazeni Local Municipality are the Building Inspector, Environmental Practitioner, Health Officer and/ or any other person appointed by the Council in terms of sections 22, 24 or 25 of the Health Act, 1977.
- 11.2 The persons referred to in paragraph 11.1 have such powers and duties as set out in the Act and regulations made in terms of the Act.

12. Offences and Penalties

If a person -

- (a) Contravenes section 57 of the Health Act, 1977, then said section will apply;
- (b) Contravenes the Regulations, then the penalties as prescribed in the Regulations will apply.
- (c) Contravenes paragraph 6(1) of these By-Laws or supplies false or misleading information to the Council, he or she commits an offence and is, on conviction, liable to a fine or in default of payment, to imprisonment for a period not exceeding 6 months, or to such imprisonment without the option of a fine, or to both such fine and imprisonment and in the case of a successive or continuing offense, to a fine for every day such offense continues, or in default of payment thereof, to imprisonment for a period not exceeding 6 months.

13. Notice of compliance

13.1 If a person fails to comply with the requirements contained in paragraphs 7, 8 or 9, the Council may serve a notice of compliance on that person.

13.2 The notice of compliance must state the following –

- (i) The name and residential or postal address of the affected person;
- (ii) The requirement which has not been complied with;
- (iii) The measures required to remedy the situation;
- (iv) That the person must, within a specified period, take the measures to comply with the notice and complete the measures before a specified date;

- (v) The person may, within 14 days from the date of the notice, make written representations in the form of a sworn statement or affirmation to the Council at a specified place.

13.3 When Council considers measures or periods envisaged in paragraph 13.2 (iii) or (iv), it must have regard to the principles and objects of these by-laws, the nature of the non-compliance, and other relevant factors.

13.4 If a person does not make representations in terms of paragraph 13.2 (v) and the person fails to take the measures before the date contemplated in paragraph 13.2 (iv), he or she commits an offence and the Council may, irrespective of any fines which may be imposed in terms of paragraph 12, also act in terms of paragraph 13.6.

13.5.1 If representations are not lodged within the time contemplated in terms of paragraph 13.2 (v), it will not be considered, except if the person has shown good reason and the Council condones the late lodging of the representations.

13.5.2 Council must consider timely representations and any response thereto by an official.

13.5.3 The Council may, by its own choice, conduct further investigations to verify facts and the results of such investigation must be made available to the permit holder, who must be given an opportunity to make a further response if he or she so wishes and the Council must also consider the further response.

13.5.4 After considering the representations and any responses and further responses, the Council must make an order in writing and serve a copy of it on the person.

- 13.5.5 The order referred to in paragraph 13.5.4, must confirm, alter or set aside the notice of compliance and where such notice is confirmed or altered, Council must inform the person that he or she must, within the period specified in the order, discharge the obligations set out in the order and that failure to do so constitutes an offence.
- 13.5.6 If a person fails to discharge the obligations in paragraph 13.5.5, he or she commits an offence and the Council may, irrespective of any fines which may be imposed, also act in terms of paragraph 13.6.
- 13.6 Council may take such measures as it deems necessary to remedy the situation and the cost thereof must be paid to Council in accordance with paragraph 15.
- 13.7 If a landlord or landlady fails to comply with a compliance notice, the Council may immediately withdraw the permit.

14. Costs

- 14.1 If a person fails to take the measures required of him or her by a notice of compliance contemplated in paragraph 13, the Council may, subject to paragraph 14.3 recover as a debt, all costs incurred as a result of Council acting in terms of paragraph 13.6, from that person and any or all of the following persons:
- (i) the owner of the land, building or premises; or
 - (ii) the person or occupier in control of the land, building or premises or any person who has or had a right to use the land at the time when the situation came about.
- 14.2 The costs recovered must be reasonable and may include, without being limited to, costs relating to labour, water, equipment, administrative and overhead costs incurred by the Council under paragraph 13.6.

14.3 If more than one person is liable for costs incurred, the liability must be apportioned as agreed among the persons concerned according to the degree to which each was responsible for the emergency resulting from their respective failures to take the required measures.

15. Authentication and service of notices and other documents

15.1 A notice issued by the Council in terms of these by-laws is deemed to be duly issued if it is signed by an official authorized by Council.

15.2 Any notice or other document that is served on a person in terms of these By-Laws is regarded as having been duly served –

- (i) when it has been delivered to that person personally;
- (ii) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;
- (iii) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgment of the posting thereof from the postal service is obtained;
- (iv) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs 15.2 (i), (ii) or (iii);
- (v) If that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates;
- (vi) in the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate;

(vii) when it has been delivered, at the request of that person, to his or her e-mail address.

15.3 Service of a copy is deemed to be service of the original.

15.4 When any notice or other document is served on the owner, occupier or holder of any property, or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.

16. Appeal

16.1 a person whose rights are affected by a decision of an official of the Council acting in terms of these By-Laws may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.

16.2 The appeal authority contemplated in paragraph 16.3 must consider the appeal, and vary, confirm or revoke the decision, but no such variation or revocation of a decision may detract from any right that may have accrued as a result of the decision.

16.3 When the appeal is against a decision taken by –

- (i) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority;
- (ii) the Municipal Manager, the Executive Mayor is the appeal authority; or
- (iii) a political structure or political office bearer or a Councillor, the Council is the appeal authority.

16.4 The appeal authority must commence with an appeal within six weeks of receipt of the notice of appeal and decide the appeal within a reasonable time.

17. Saving and transitional provision

A person who, at the date of commencement of these By-Laws, owns or operates an accommodation establishment without a permit, must, within a period of six months, comply with the provisions of these By-Laws.

18. Repeal of By-Laws

The provisions of any by-laws previously promulgated by the Council or by any of the disestablished municipalities now incorporated in the Emakhazeni Local Municipality, are hereby repealed as far as they relate to matters provided for in these By-laws, and insofar as it has been made applicable to the municipality by the authorization for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

19. Short title

These By-Laws are called the Emakhazeni By-Laws on Accommodation Establishments.

SCHEDULE 1
Paragraph 6.2

APPLICATION FOR PERMIT FOR ACCOMMODATION ESTABLISHMENT

Person in charge: _____

Telephone number: _____

ID number: _____

The nature of the services to be rendered: _____

The number of people that can be accommodated: _____

The area within the municipality in which the accommodation establishment is to be operated: _____

The address of the accommodation establishment (street name and number): _____

The number of employees employed on the premises: _____

Will food be prepared or served on the premises? (Circle the applicable answer)

Yes

No

Particulars regarding the preparation of food: _____

Particulars regarding the disposal of waste: _____

Signature

Date

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SCHEDULE 2
Paragraph 6.2

**APPLICATION FORM FOR A CERTIFICATE OF ACCEPTABILITY FOR FOOD
PREMISES OF ACCOMMODATION ESTABLISHMENT**

A. PERSON IN CHARGE

Surname and first names of person in whose name the certificate of acceptability must be issued _____

ID number: _____

Address: Postal address: _____

Residential address: _____

Telephone number: Business _____ Residential _____

B. PARTICULARS OF FOOD PREMISES

Name of food premises (if any) _____

Erf no (if applicable) _____

Address where the food premises can be inspected _____

C. FOOD CATEGORY

List and describe the food items or the nature or type of food involved: _____

D. NATURE OF HANDLING

List and describe what your activities will entail (e.g. preparation or packing and processing) _____

E. STAFF

Number of persons employed or to be employed

Men _____ Women _____

F. PARTICULARS OF EXEMPTION BEING APPLIED FOR (Regulation 15(1) of the Regulations) _____

G. PARTICULARS OF APPLICANT

Name: _____

Capacity (e.g. owner, managing director, secretary, manager) _____

Postal address _____

Telephone number _____

Date of application _____

Signature _____

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**SCHEDULE 3
Paragraph 10.5**

**CERTIFICATE OF ACCEPTABILITY FOR FOOD PREMISES OF
ACCOMMODATION ESTABLISHMENT**

A. ISSUING LOCAL AUTHORITY: _____

CERTIFICATE NUMBER: _____

NAME _____ **TELEPHONE NUMBER** _____

_____ **OFFICIAL DATE STAMP**

B. FOOD PREMISES

Name (if any) _____

Address (location, erf no.) _____

C. PERSON IN CHARGE

Name: _____

ID number: _____

D. CERTIFICATION AND RESTRICTION

It is hereby certified that the above-mentioned food premises comply with the provisions of regulation 5 and 6 of the Regulations published by Government Notice No. R918 of 30 July 1999 in respect of the handling of food in the manner specified.

Restriction, conditions or stipulation in terms of regulation 3(1)(b):

E. SIGNATURE OF INSPECTOR

DATE

Name of inspector: _____

Official designation: _____

F. EXEMPTIONS

DATE

SIGNATURE OF INSPECTOR

In terms of regulation 15

EMAKHAZENI LOCAL MUNICIPALITY

DRAFT BYLAWS ON CREDIT MANAGEMENT

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17. Offences And Penalties

18. Repeal Of By-Laws

1. Title

These by-laws are entitled the By-Laws on Credit Management for Emakhazeni Local Municipality.

2. Definitions

Unless it is clear that the context shows otherwise, in these by-laws –

“**accounting officer**” is the Municipal Manager of the Municipality;

“**annual report**” is the report that every municipality must prepare for each financial year;

“**approved budget**” is the annual budget approved by the Municipal Council;

“**Auditor-General**” is the person appointed in that position in terms of the Constitution and includes persons acting in that position, persons delegated to act by the Auditor-General and persons designated to perform a duty by the Auditor-General;

“**basic municipal service**” is a municipal service that is necessary to ensure an acceptable and reasonable quality of life and which, if it is not provided, will endanger public health or safety or the environment;

“chief financial officer” means the official designated by the Municipal Manager;

“council” means the Council of Emakhazeni established in terms of Local Government Structures Act, Act 117 of 1998.

“councillor” is a member of the Council;

“debt” is a monetary obligation created by an agreement;

“fruitless and wasteful expenditure” is expenditure made in vain and that could have been avoided if reasonable care was exercised;

“Executive Mayor” is the councillor elected as Executive Mayor in terms of the Local Government: Municipal Structures Act 117 of 1998;

“MEC for Local Government” is the Member of the Executive Council responsible for local government in the province;

“month” is one of the 12 months of a calendar year;

“Municipality” is either the body referred to in Section 2 of the Local Government: Municipal Systems Act 32 of 2000, or the area determined in terms of the Local Government: Municipal Demarcation Act 27 of 1998;

“Municipal Manager” is the person appointed in terms of Section 82 of the Local Government: Municipal Structures Act 117 of 1998;

“National Treasury” is the body established in terms of Section 5 of the Public Finance Management Act 1 of 1999;

“official” is an employee of a Municipality or a person seconded to work as member of staff of a Municipality or a person contracted to work as member of staff of a Municipality other than an employee;

“political structure” is the council of a Municipality or any committee of a Municipality elected, appointed or designated in terms of the Local Government: Municipal Structures Act 117 of 1998;

“Provincial Treasury” is a treasurer established in terms of Section 17 of the Public Finance Management Act 1 of 1999;

“service delivery and budget implementation plan” is a detailed plan approved by the Mayor in terms of the Local Government: Municipal Finance Management Act 56 of 2003, for implementing the Municipality’s delivery of municipal services and its annual budget;

“supervisory authority” is a body constituted by Council to ensure compliance with these by-laws;

“staff member” is an employee of the Municipality, including the Municipal Manager;

3. Objects

The objects of these by-laws are to –

(a) enable the Municipality to collect -

- rates
- fees
- surcharges on fees
- charges
- tariffs
- interest that accrued on money due in respect of any of the above and
- collection charges,

that are due to the Municipality, in a prompt and efficient way;

(b) set realistic targets for the collection of money due to the Municipality, consistent with –

- (i) generally accepted practices and ratios; and
- (ii) the income estimates set out in the annual budget of the Municipality and taking into account an acceptable provision for bad debts;

- (c) ensure that all new consumers conclude a service agreement with the Municipality before services are rendered to them;
- (d) create an environment that induces consumers to pay for the services rendered to them;
- (e) enable the Municipality to take action against all forms of non-performance;
- (f) ensure that consumer management and credit management is cost-effective and efficient;
- (g) ensure that the rights and responsibilities of both the consumers and the Municipality are respected and protected; and
- (h) ensure that the Municipal Manager and the Chief Financial Officer are held responsible for the implementation of credit control measures and for reporting to the Council on all its relevant aspects.

4. Non-discrimination

4.1 These by-laws are applied in such a way as not to discriminate between persons on the grounds of race.

4.2 These by-laws are applied in such a way as to recognise all people's right to have their dignity, their privacy and their right to access to social assistance respected and protected.

5. Application of By-laws

These by-laws apply to all residents living in the jurisdiction of the Emakhazeni Municipality and who are consumers of municipal services, as well as to all businesses and government organizations situated in the Municipality and who consume municipal services, regardless of whether any of the consumers concluded a consumer's agreement with the Municipality or not.

6. Metering of Services

6.1 The Municipality must have a metering system to determine the amount or the level of services consumed.

6.2 The Municipality may use one of two metering systems -

- (a) The kind of meters used to take consumption readings monthly; or
- (b) Pre-paid electricity meters.

6.3 Technology may be used to download the meter readings referred to in subsection 6.2(a) electronically.

6.4.1 In order to decrease her/his consumption, a consumer has the right to request the Municipality to –

- (a) Install a pre-paid meter; or
- (b) Disconnect metered services;

6.4.2 The consumer must pay the cost of the installation of a pre-paid meter or disconnection of metered services as referred to in subsections 6.4.1(a) and (b).

6.5 If a consumer is registered as indigent, the Municipality may, at its own cost, install a pre-paid meter.

7. Billing of Services

7.1 The Municipality must compile a statement in the form of an account, indicating –

- (a) The quantity of services consumed over a specific period; and
- (b) The related cost to the consumer,

and have the accounts delivered to its consumers.

7.2 The fact that a consumer does not receive an account, does not exempt that consumer from the obligation to pay the account by the due date.

8. Consumer Agreements

8.1 Consumers must conclude a service agreement with the Municipality before services can be rendered to them.

8.2 The requirements for a valid service agreement are as follows:

8.2.1 The consumer must produce valid identification;

8.2.2 The consumer must agree to an Information Trust Corporation (ITC) check on her/his credit record and, depending on the associated risk, a possible additional deposit may have to be paid;

8.2.3 The consumer must pay a service deposit, which is calculated on the basis of the maximum electricity consumption for two consecutive months, provided that the amount is not less than is prescribed in the electricity tariff;

8.2.4 The deposit is payable in cash and/or any other monetary form commonly accepted in business and may be paid off over a maximum period of six months;

8.2.5 If the estimated monthly electricity account is at least R1 500, a guarantee may be accepted instead of a deposit;

8.2.6 Government organizations and other designated consumers are exempt from paying a deposit;

8.2.7 If, at any time, the deposit is found to be inadequate, the Municipality may require the consumer to increase the deposit within 30 days and if the consumer fails to do so, the Municipality may, after hearing an appeal in terms of Section 62 of the Systems Act, terminate the supply of services;

8.2.8 The deposits of businesses and industrial consumers must be re-assessed three months after the initial deposit was paid;

8.2.9 The deposit does not earn interest with the Municipality;

8.2.10 The deposit will be repaid to the consumer within 60 days after the termination of the consumer's agreement;

8.2.11 Before the deposit is repaid to the consumer, the Municipality has the right to deduct any amounts due by the consumer to the Municipality;

8.2.3 If a consumer does not conclude a consumer's agreement with the Municipality, the Municipality must give written notice to that consumer to enter into an agreement, failing which the electricity supply may be terminated without further notice.

9. Payment Procedure

9.1 Consumers must pay their accounts before or on the 10th day of each month;

9.2 Interest is charged on all accounts that are in arrears for longer than 60 days;

9.3 Pre-paid electricity may only be sold to consumers if their accounts are paid up to date;

9.4.1 The Municipality may, with the consent of the consumer, enter into an agreement with that consumer's employer, to deduct from his/her salary:

(a) Outstanding amounts due by that consumer to the Municipality, or;

(b) Regular monthly amounts as agreed upon.

9.4.2 The Municipality may provide special incentives for employers to enter into such an agreement and for employees to consent to such an agreement;

9.5 The Municipality allocates the payment received for services to those different services.

10. Debt Collection

If a consumer fails to pay her/his account by the due date, the following procedure will be followed with regard to the supply of water and electricity:

10.1 The services will not be suspended immediately, but the consumer will be notified with the following month's account that –

(a) The previous month's account is in arrears; and

(b) Interest will be charged on the arrear amount;

10.2 If an account remains outstanding for longer than 60 days, the services will be disconnected, *excluding* the provision of water;

10.3 The account will then be debited with the cost of the disconnection and also the cost of a reconnection, if it takes place;

10.4 For the services to be restored, the consumer must pay the outstanding account in full, plus the costs of disconnection and reconnection mentioned in subsection 10.3;

10.5 If a consumer is unable to settle the outstanding amount on her/his account in full, it is possible to make an arrangement with the Municipality for settling of the outstanding amount in monthly installments over an extended period of time, subject to the following conditions –

(a) The period for payment in terms of the arrangement may be negotiated between the consumer and the Municipality and should strike a balance between the interests of both parties;

(b) The minimum monthly installment in terms of an arrangement is R50;

(c) The first payment must be made within 30 days after the date of the arrangement;

(d) Only one arrangement per consumer *per annum* is allowed in the settling of arrear accounts;

(e) An acknowledgment of debt and a consent to judgment forms part of the agreement and as part of the arrangement, debit orders may be completed for the monthly repayment of arrears; and

(f) The Municipality does not charge interest on the arrear amount that are repayable in terms of the arrangement, provided that the arrangement is honored;

10.6 If this arrangement is dishonored, the services, with the exception of water, are discontinued and the full balance is payable immediately;

10.7 If the services are disconnected and there is no reaction from the consumer, representatives from the Municipality visit the premises after 14 days to see if the services are still discontinued. If the electricity is illegally reconnected, it is again disconnected, this time more tamperproof and at the cost of the consumer, alternatively, a prepaid meter is installed, also at the cost of the consumer;

10.8 A notice is also served on the consumer within 14 days from the date that the arrangement was dishonored, to inform him/her that a restriction will be placed on the consumption of water;

10.9 If, after the Municipality took the steps referred to in subsections 10.2, 10.3 and 10.4 and the outstanding amount is still not paid or the consumer does not honor an arrangement made in terms of subsection 10.5, the Municipality may take legal action;

10.10 In terms of this legal action, a letter of final demand is delivered to the debtor, for which the debtor must bear the cost;

10.11 If there is no response to the letter of demand within 14 days, the account is handed over to attorneys or debt collectors, who will take further legal action;

10.12 The consumer is still obliged to pay her/his current accounts to the Municipality;

10.13 When a consumer's account is handed over to debt collectors or attorneys, no further interest accrues on the outstanding amount older than 90 days;

10.14 When an account is handed over to attorneys or debt collectors for legal action, the debtor concludes arrangements for repayment with them and no longer with the Municipality;

10.15 If a debtor makes diligent payments as agreed upon with the attorney or debt collectors, the supply of electricity may be restored on appeal made to the supervisory authority;

10.16 If a repayment agreement with an attorney or debt collector referred to in subsection 10.14 is breached, services are disconnected again and legal action instituted for the collection of the arrears;

10.17 The legal action referred to in subsection 10.16 is held in abeyance if all repayments are done as well as the unpaid current accounts;

10.18 A consumer has the right to request extension for the payment of a current account, due to exceptional circumstances and it may only be granted for one month's account and then only until the end of that particular month;

10.19 As far as businesses are concerned, they will also be notified that their accounts are in arrears, but no arrangements for payment of outstanding amounts are made with them and once their accounts are 60 days in arrears, all services, except water, are suspended immediately;

10.20 If a consumer pays her/his account with a cheque or debit order and it is returned marked "Refer to Drawer", the full balance is payable immediately;

10.21 The supply of electricity to a consumer referred to in subsection 10.20 is disconnected until the full amount is paid, this time in the form of cash, or a bank guaranteed cheque and the consumer is liable for the bank costs;

10.22 If a consumer referred to in subsection 10.20 paid with a cheque, no further cheques are accepted from her/him, unless they are bank guaranteed;

10.23 A consumer may not nominate money paid by her/him to cover specific services, and the Municipality allocates money received from consumers as follows:

- Sundry debtors, including arrangements for payment of arrears
- Assessment Rates
- Refuse
- Interest
- Electricity
- VAT

- Deposit Charges
- Rental Housing
- Erf Installments
- Government House Installments
- Legal costs
- Money not allocated;
- Sewerage
- Water

10.24 The same debt collection procedures as set out above, apply to accounts on properties that are not metered;

10.25 As part of the payment campaign, ward councilors are furnished monthly with a list of the people in their wards who do not pay their consumer accounts, in order that the councilors may assist in recovering the outstanding amounts;

11. Indigent Consumers

11.1 A Municipality shall, within the confines of its capacity and its financial means, conduct a socio-economic study of its jurisdiction in order to categorize its constituency;

11.2 Indigent consumers have the right to be provided for in this policy, subject to the Municipality's human resource capacity and its financial means;

11.3 In relation to indigent consumers, the Municipality shall, within the confines of its human resource capacity and financial means –

- (a) Provide 6 free kilolitres of water per month;
- (b) Grant indigent status to those households who qualify in terms of the criteria;
- (c) Install pre-paid meters to those households who qualify as indigent; and
- (d) Provide free education to indigent consumers on how to repair water leaks.

11.4 The criteria for a consumer to be granted indigent status are –

- (a) She/he must be a resident of the Municipality and must show a valid South African identity document;
- (b) She/he must submit a Governmental Grant Form and must re-apply every 12 months to have the indigent status re-confirmed; and
- (c) Her/his household's total gross monthly income may not exceed *two* state old aged pensions;

11.5 The procedure for a consumer to be granted indigent status is as follows –

- (a) The applicant's identification is verified;
- (b) A screening and monitoring committee conducts an interview with the applicant to assess the application in accordance with the approved questionnaire;
- (c) The screening and monitoring committee has as its members the following office-bearers:
 - (i) The Accounting Officer, who also acts as Chairperson;
 - (ii) The Manager of Finance; and
 - (iii) Two Officials from the Finance Department;
- (d) The supervisory authority oversees and monitors the assessment;

11.6 In the period it takes to grant approval to an application for indigency, the applicant remains subject to the normal sanctions for non-payment;

11.7 All applications for indigent status received on or before the 15th of each month and which are approved, receive the grant in the same month;

11.8 Once a consumer is registered as indigent, a pre-paid meter may be installed for her/him, at the cost of the Municipality;

11.9 When indigent status is granted to a consumer, the subsidy is implemented as follows -

- (a) Provision of 6 free kilolitres of water per month;

- (b) Provision of 50 free kilowatts of electricity consumption per month;
- (c) The consumer pays the lowest tariff on the sliding scale for sewerage services, depending on the size of the property;
- (d) The consumer pays the full charge for refuse removal; and
- (e) The consumer pays the full charge for property rates;

11.10 When indigent status is granted to a consumer, she/he remains liable for all consumption in excess of the subsidized amount;

11.11 If a consumer who was granted indigent status, does not pay her/his account for consumption in excess of the subsidized amount, the same sanctions as for other consumers as set out in section 10 above, applies;

11.12 If a consumer is granted indigent status and she/he tampers with, or damages the pre-paid meter, the normal sanctions apply;

11.13 If a person was granted indigent status and abuses the system and proof of this is submitted, that person is not considered indigent for the purposes of this policy for a period of six months after the proof was submitted.

12. Appeals Procedure

12.1 A consumer whose rights are affected by a decision taken by –

- (a) A political structure;
- (b) A political office-bearer;
- (c) A councilor; or
- (d) A staff member

of a Municipality in terms of a power or duty delegated to it/them, may appeal against that decision;

12.2 The appeal is lodged by giving written notice of the appeal and the reasons to the Municipal Manager within 21 days after the date of notification of the decision;

12.3 If the decision against which the appeal is lodged, was taken by –

- (a) A staff member other than the Municipal Manager, then the Municipal Manager is the appeal authority;
- (b) The Municipal Manager, then the Executive Committee or Executive Mayor is the appeal authority.
- (c) A political structure or political office-bearer or a councilor, then the Council is the appeal authority.

12.4 The Municipal Manager must promptly submit the appeal to the appropriate appeal authority as set out in subsection 12.3;

12.5 The appeal authority must consider the appeal and may confirm or vary or revoke the decision that was taken, but it may not detract from any rights that accrued as a result of the decision; and

12.6 An appeal authority must start with an appeal within six weeks and take a decision within a reasonable period.

13. Incentive Schemes

In order to create a culture of payment for services, the Municipality introduces the following incentives:

13.1 A monthly draw is held for all consumers whose accounts have been paid up to date for at least 6 months and the winning consumer's account will be credited with **R 120.00**;

13.2 If a consumer's current account as well as all arrears not older than 6 months are fully paid, 5% of all other debt is written off.

14. Clearance Certificates

Property within the jurisdiction of the Municipality may not be transferred until the Municipality produces a clearance certificate, confirming that all amounts due to the Municipality in connection with that property during the 2 years before the date of application for the certificate, is fully paid.

15. Responsibility for Credit Management

15.1 The Executive Mayor of the Municipality or Executive Committee -

- (a) Must provide political guidance over the fiscal and financial affairs of the Municipality;
- (b) May monitor and oversee the exercise of responsibilities assigned to the Accounting Officer and the Chief Financial Officer, but may not interfere in the discharge of these responsibilities;
- (c) Must take all reasonable steps to ensure that the Municipality delivers on its Constitutional and statutory mandate within the limits of the approved budget;
- (d) Must, within 30 days of the end of each quarter, prepare and submit a report to the Council on budget implementation and the Municipality's state of financial affairs;
- (e) Must provide general political guidance over the priorities for the budget's preparation;
- (f) Coordinate the annual revision of the Integrated Development Plan and the preparation of the budget;
- (g) Must ensure that he/she approves the Municipality's service delivery and budget implementation plan within 28 days after the approval of the budget;
- (h) Must ensure that the performance agreements of the Municipal Manager and senior management are linked to the performance objectives and to the service delivery and budget implementation plan;
- (i) Must ensure that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, as set out in the service delivery and budget implementation plan, are made public within 14 days after its approval;

- (j) Must ensure that the performance agreements of the Municipal Manager and senior management are made public within 14 days after approval of the service delivery and budget implementation plan;
- (k) May set up a facility for residents to report abuse of the indigency provisions, theft, illegal connections of services, damaging of and tampering with instruments installed to deliver services to the community, coupled with –
 - (i) A reward for such information; and
 - (ii) Protection of the identity of the person/s reporting such incidents.

15.2 The Municipal Manager –

- (a) Is the accounting officer of the Municipality;
- (b) Must act with integrity, honesty, fidelity and in the Municipality's best interests in managing its financial affairs;
- (c) Must disclose all material facts which are available and which might influence decisions or actions of the Executive Mayor or Council;
- (d) Must seek, within the sphere of her/his influence, to prevent any prejudice to the financial interests of the Municipality;
- (e) May not act in a way that is inconsistent with duties assigned to accounting officers in terms of national legislation;
- (f) May not abuse the position of privilege or of confidential information obtained for personal gain or to improperly benefit another person;
- (g) Must take all reasonable steps to ensure that the Municipality has effective revenue collection systems and a proper credit control and debt collection policy;
- (h) Must ensure that revenue due to the Municipality is calculated on a monthly basis;
- (i) Must ensure that accounts for municipal tax and charges for municipal services are prepared on a monthly basis or a shorter period, where monthly accounts are uneconomical;

- (j) Must ensure that all money received, is deposited in the Municipality's primary bank account;
- (k) Must ensure that the Municipality has and maintains a management, accounting and information system which:
 - (i) Recognizes revenue when it is earned;
 - (ii) Accounts for debtors; and
 - (iii) Accounts for receipts of revenue;
- (l) Must ensure that the Municipality has and maintains a system of internal control in respect of debtors and revenue;
- (m) Must ensure that the Generally Accepted Municipal Accounting Practices (GAMAP) are adhered to;
- (n) Must ensure that the Municipality charges interest on arrears, except where the Council has granted exemptions in accordance with its budget-related policies and within a prescribed framework;
- (o) Must ensure that all revenue received by the Municipality, including revenue received by any collecting agency on its behalf, is reconciled on a weekly basis;
- (p) Must immediately inform National Treasury of any payments due by any organ of state in respect of municipal tax or services, if such payments are regularly in arrears for periods of more than 30 days;
- (q) Must ensure that any funds collected by the Municipality on behalf of another organ of state is transferred to that organ at least on a weekly basis and that such funds are not used for municipal expenditure;
- (r) Must ensure that the Municipality has and maintains a system of internal control in respect of creditors and payments;
- (s) Must ensure that the Municipality's available working capital is managed effectively and economically in terms of the prescribed cash management and investment framework;

- (t) Must ensure that all financial accounts are closed at the end of each month and reconciled with its records;
- (u) Must ensure that the spending of funds is in accordance with the budget and is reduced as necessary when revenue is anticipated to be less than projected in the budget or in the service delivery and budget implementation plan;
- (v) Must ensure that revenue and expenditure are properly monitored;
- (w) Must, when necessary, prepare an adjustment budget and submit it to the Mayor for consideration and tabling in Council;
- (x) Must, within 14 days after approval of the annual budget, submit to the Executive Mayor:
 - (i) A draft service delivery and budget implementation plan for the budget year; and
 - (ii) Draft annual performance agreements for him/herself and all senior managers;
- (y) Must, by no later than 10 working days after month end, submit to the Mayor and Provincial Treasury a statement in prescribed format on the state of the Municipality's budget, month to month and month to year, reflecting -
 - (i) Actual revenue per revenue source;
 - (ii) Actual borrowings;
 - (iii) Actual expenditure per vote;
 - (iv) Actual capital expenditure per vote;
 - (v) The amount of any allocations received;
 - (vi) Actual expenditure on those allocations;
 - (vii) When necessary, an explanation of:
 1. Any material variances from the Municipality's projected revenue by source, and from the Municipality's expenditure projections per vote;

2. Any material variances from the service delivery and budget implementation plan; and
 3. Any remedial or corrective steps taken or to be taken to ensure that projected revenue and expenditure remains within budget;
- (z) Must provide a statement which must include a projection of relevant revenue and expenditure for the rest of the financial year, and any revision from initial projections;
- (aa) Must submit to National Treasury, Provincial Treasury, and the Department for Local Government in the Province or the Auditor-General such information, returns, documents, explanations and motivations as may be prescribed or required;
- (bb) Must, if she/he is unable to comply with any of the responsibilities in terms of national municipal financial legislation, promptly report the inability, together with reasons, to the Executive Mayor and the Provincial Treasury;
- (cc) Must place on the Municipality's website, the following documents:
- (i) The annual and adjustment budgets and all budget-related documents;
 - (ii) All budget-related policies;
 - (iii) The annual report;
 - (iv) Her/his own performance agreement as well as those of senior management;
 - (v) All service delivery agreements;
 - (vi) All long-term borrowing contracts;
 - (vii) All supply-chain management contracts above a prescribed value;
 - (viii) An information statement containing a list of assets over a prescribed value that have been disposed of during the previous quarter;
 - (ix) Contracts having future budgetary implications;
 - (x) Public-Private Partnership agreements; and

- (xi) All quarterly reports tabled in the Council in terms of this policy; and
- (dd) Must place all such documents on the website not later than 5 working days after its tabling in the Council or on the date on which it must be made public, whichever occurs first.

15.3 The Chief Financial Officer -

- (a) Is administratively in charge of the budget and the treasury office;
- (b) Must advise the Municipal Manager on the exercise of powers and duties assigned to him;
- (c) Must assist the Municipal Manager in the administration of the bank accounts and in the preparation and implementation of the Municipality's Budget;
- (d) Must advise senior managers and other senior officials in the exercise of powers and duties assigned to them in terms of national municipal financial legislation; and
- (e)** Must perform such budgeting, accounting, analyses, financial reporting, cash management, debt management, supply-chain management, financial management, review and other duties as may be delegated by the Municipal Manager to her/him.

16. Financial Reporting

(a) Annual Report

The Municipality must prepare and adopt an annual report for each financial year and this report must include:

- (i) An assessment by the Municipal Manager of any arrears on municipal taxes and service charges;
- (ii) An assessment by the Municipal Manager of the Municipality's performance against the performance objectives for revenue collection from each revenue source and for each vote in the Municipality's approved budget for the relevant financial year; and

- (iii) Particulars of any corrective action taken or to be taken in response to issues raised in the Auditor-General's report.

(b) Financial Recovery Plan

The Municipal Manager may propose to Council a financial recovery plan, if the need arises, aimed at securing the Municipality's ability to meet its obligations to provide basic services or its financial commitments. Such a plan -

- (i) Must identify the financial problems of the Municipality;
- (ii) Must be designed to place the Municipality in a sound and sustainable financial position as soon as possible;
- (iii) Must state the principal strategic objectives of the plan and how to achieve them;
- (iv) Must set out a remedial strategy for addressing the causes of the Municipality's financial problems, which should include steps to reduce unnecessary expenditure and increase the collection of revenue;
- (v) Must identify the human and financial resources needed to assist in resolving the problems;
- (vi) Must provide details of the anticipated time-frame for the financial recovery, and milestones to be achieved;
- (vii) Must identify the actions necessary for the implementation of the plan, separating steps to be taken by the Municipality and those to be taken by other parties;
- (viii) May provide for the liquidation of specific assets, excluding those needed for the provision of the minimum level of basic municipal services;
- (ix) May provide for debt restructuring or debt relief in terms of national municipal financial legislation;
- (x) May provide for special measures to prevent unauthorized, irregular, fruitless, wasteful expenditure and other losses;
- (xi) May identify any actual or potential revenue sources;

(xii) May suggest for adoption by the Council –

- (1) Spending limits and revenue targets;
- (2) Budget parameters for a specified period or until stated conditions have been met; and
- (3) Specific revenue raising measures that are necessary for financial recovery.

The recovery plan must first be approved by the Member of the Executive Council for Local Government in the Province, with or without amendments, prior to its implementation.

(c) Internal Audit Unit

The Municipality must establish an Internal Audit Unit, either internally or by way of outsourcing and this unit must –

- (i) Prepare a risk-based audit plan and an internal audit program for each financial year;
- (ii) Advise the Municipal Manager and report to the Audit Committee on the implementation of the Internal Audit Plan and matters relating to:

- (1) Internal audits;
- (2) Internal controls;
- (3) Accounting procedures and practices;
- (4) Risk and risk management;
- (5) Performance management;
- (6) Loss control;
- (7) Compliance with all applicable financial legislation.

(d) Financial Misconduct

(i) The Municipal Manager commits an act of financial misconduct if he/she -

- (1) Contravenes this policy;
- (2) Fails to comply with a duty imposed by this policy;

- (3) Makes or permits or instruct another official of the Municipality to make an unauthorized, irregular or fruitless and wasteful expenditure; and
- (4) Provides incorrect or misleading information in any document which in terms of this policy must be submitted to the elected leadership of the Municipality, the Auditor-General, the Provincial Treasury, the National Treasury, other organs of state or made public.
- (ii) A member of senior management or other official of the Municipality exercising financial management responsibilities and to whom a power or duty was delegated, commits an act of financial misconduct if he/she deliberately or negligently fails to carry out the delegated duty or commits any of the acts as set out in (1) to (4) above;

17. Offences and Penalties

If a person -

- (a) Contravenes any of the provisions of these by-laws;
- (b) Contravenes any conditions attached to a decision taken in terms of these by-laws;
- (c) Fails to comply with the terms of a notice served on her/him in terms of these by-laws; or

she/he is guilty of an offence for which the penalties are provided for in the Local Government Ordinance 1939 (Ordinance 17 of 1939).

18. Repeal of By-laws

..... (title of current by-laws) published in terms of (number and date of Provincial Gazette) is hereby repealed with effect from the date of promulgation of these by-laws.

DRAFT

EMAKHAZENI LOCAL MUNICIPALITY

DRAFT BY-LAWS ON OUTDOOR

ADVERTISING AND SIGNAGE

DRAFT

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CHAPTER I: APPLICATIONS AND PROCEDURAL SECTIONS

1. DEFINITIONS

1.1 In this by-law, unless the context otherwise indicates -

“advance sign” means a sign indicating the direction or distance to a facility, locality, activity, service or enterprise.

“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 for sale of goods or livestock” means an advertisement announcing such a sale on land or premises not normally used for commercial purposes and may include an advertisement announcing auctions of household goods on residential properties, or livestock or game on farms. This class will also include the display of an advertisement announcing 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 impact assessment (AIA)” means a report requested by the Emakhazeni Local Municipality from the applicant wherein the impact of the advertising sign is discussed. This report should address aspects such as, but will not be limited to, the environmental impact, visual impact, illumination of the advertising sign, and road safety impact of an advertising sign.

“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.

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

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

“affix” means to firmly secure, which includes “painting” onto “and “affixed” shall have a corresponding meaning.

“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, or an advertisement containing a variable message.

“approved” means approved by the Emakhazeni Local Municipality and “approval” has a corresponding meaning.

“arcade” means a covered pedestrian thoroughfare not vested in the Emakhazeni Local 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 advertisement” means the total area of that which constitutes the advertisement.

“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 Emakhazeni Local Municipality from time to time.

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

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

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

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

“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 flagstaff projecting vertically, horizontally or at an angle, or attached to buildings or to specific structures, but excludes banners carried as part of a procession.

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

“billboard” means any screen or board larger than 4.5m², supported by a structure, which is to be used or intended to be used for the purpose of posting, displaying or exhibiting a third-party advertisement and can be classified as a small, large or super billboard. 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 also include towers, bridges and pylons.

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

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

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

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

“bus shelter displays” means posters positioned as an integral part of a freestanding covered structure at a bus stop or mini taxi rank or lay-bye.

“by-law” means the Emakhazeni Local Municipality by-law regarding advertising signs.

“candela” is the standard SI unit of luminance intensity relating to the illuminating power of a light source in a given direction.

“canopy” means a structure in the nature of a roof projecting from the façade of a building and cantilevered from the building or anchored otherwise than by columns or posts.

“centre of economic activity” means an enterprise or group of enterprises outside of urban areas and which may include farm stalls, roadside service areas, accommodation facilities, food services, industries and cottage industries as well as shops and other commercial facilities OR means an urban area of high economic activity and includes all business districts, regional and neighborhood shopping centres.

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

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

“clear height” means the minimum vertical distance from the ground, as the case may be, to the bottom of the advertisement and / or to the advertising sign, whichever is the highest.

“combination sign” means an advertisement 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 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.

“composite sign” means a sign linked to a standardized background of a specific size similar to a poster-board on which logo-related information can be attached.

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

“council” means the Emakhazeni Local Municipality and includes the Mayoral Committee or any officer employed by the Emakhazeni Local Municipality, acting by virtue of any power vested in the Emakhazeni Local Municipality in connection with this by-law and delegated to him/her.

“council land” means any portion of land including road, street, thoroughfare, bridge, subway, footpath, sidewalk, land, square, open space, garden, park or enclosed place, erf, site etc. vested in the Emakhazeni Local Municipality.

“custom-made billboard” means a billboard which could feature special effects such as internal or external illumination, special character cut-outs and three-dimensional representations, or rotating or scrolling panels that provide a number of messages in succession, excluding animation.

“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.

“DEAT” means the Department of Environmental Affairs and Tourism.

“deemed consent (permitted with)” means an advertising sign, which is deemed approved without the Emakhazeni Local Municipality having to provide specific consent.

“degree of landscape sensitivity” means a refinement of basic landscape sensitivity, which may 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, e.g. high-rise, low-rise or detached, as well as to the presence of non-residential functions).

“department” means the Department of Roads and Transport of Mpumalanga, responsible for road traffic regulation.

“development advertisement” means an advertisement which could describe 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.

“device” means any physical device which is used to display an advertisement or which is in itself an advertisement.

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

“displaying” means exhibiting, affixing or attaching of an advertisement or sign and the erecting of any structure if such structure is intended solely or primarily for the support of such advertisement or sign and an attempt to do any of aforesaid and the word “display” has a similar meaning.

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

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

“electronic advertising sign” means an advertising sign 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 46 of 2000) or as amended from time to time.

“entertainment area” means an area the main purpose of which is to be used as a park, sports field, barbeque area or for other recreational purposes.

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

“estate agent’s board” means an advertisement that is temporarily displayed to advertise the fact that land, premises, development or other forms of fixed property are for sale, to let or on show.

“existing sign” means a sign, which has been previously approved by the Emakhazeni Local Municipality, whether erected or not.

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

“flag” means a material upon which an advertisement is displayed and which is attached to a single rope, pole or flagstaff projecting vertically, horizontally or at an angle from a building or property.

“flashing sign” means a 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 advertisement 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 verandah or balcony, which at no point projects more than 300mm from the surface of such a wall and which may 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 an enterprise, and may 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.

“forecourt advertisement” means an advertisement on a forecourt of a business premises, being an advertisement displayed in such forecourt to draw attention to commercial services, goods for sale or other services available at the premises, but does not include a combination advertisement at a filling station or roadside service.

“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.

“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 section 11(6) of the Act or deemed to be a freeway under section 11(7) thereof.

“functional public advertisement” means an advertisement displayed only for announcement or direction of the functions of municipalities or parastatal bodies that cannot be displayed under any other class of advertisement.

“gantry” means a structure that spans over the entire width of road surface, erected onto a surface.

“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.

“gore” means the area immediately beyond the divergence or before the merge of two roadways, bounded by the edges of those roadways.

“ground sign” means any sign detached from a building, other than an aerial sign, billboard or advertising structure.

“height of an advertising sign” means the maximum vertical distance from the ground, or where the foundation of the sign starts or is visible above natural ground level, as the case may be, to the top of the advertisement and / or the advertising sign, whichever is the highest.

“he/him” refers to any person/body, being it a male or female.

“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.

“illegal sign” means any sign or poster, painted, affixed, displayed, exhibited, posted or erected without approval by the Emakhazeni Local Municipality.

“illuminated” in relation to an advertisement means the installation of electrical equipment or other power for the purpose of illuminating the copy message 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 a 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.

“information sign” means any sign or structure, inter alia, containing information relevant to the municipal area.

“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 may also take traffic safety conditions into account.

“large billboard” means any billboard between (and including) 18m² and 40m² in area of advertisement.

“large poster” means an advertisement on a self-supporting structure of between 1.5m² and 2.2m² in area.

“laser sign” means any advertisement caused by or developed with laser lights or any similar device.

“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.

“limited use area” means an area 50 meters outside the road reserve boundary of a freeway to which the same restrictions apply as the actual freeway reserve

but where consent is given under certain circumstances for the display of specific sign types in order to indicating enterprises situated in such a limited use area.

“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, sold or provided on that premises or site or inside that building.

“location sign” means a type of guidance sign provided under the South African Road Traffic Sign System and used to identify places or locations, which either provide reassurance during a journey or identify destinations such as towns, suburbs or streets near the end of a journey.

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

“M or m” means meter.

“mm” means millimetre.

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

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

“maximum height” means the distance from ground or where the foundation of the sign starts or is visible above natural ground level, as the case may be, to the utmost top point of the advertisement and / or the advertising sign top of the advertisement and / or the advertising sign, whichever is the highest.

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

“movable temporary sign” means a sign not permanently fixed and not intended to remain fixed in one position, but does not include any moving part in a fixed permanent sign.

“municipal owned land” see “council land”.

“national road traffic act” means the National Road Traffic Act, 1996 (Act 93 of 1996) as amended from time to time.

“natural area” means an area of the rural or non-urban environment which is in an unspoilt natural state or is of high scenic value, and includes, but is not limited

to, national parks, game reserves, nature reserves, marine reserves, wilderness areas, areas of extensive agriculture and scenic areas.

“natural landscape” means relatively unspoilt areas outside urban areas such as national parks, game reserves, marine reserves, wilderness areas, extensive agriculture, scenic corridors nature reserves and scenic landscapes.

“non-locality bound sign” means a sign displayed on a site, premises or building and which refers to an activity, product, service or attraction which is not located, rendered or provided on that premises or site or inside that building.

“non-profit body” means a body established to promote a social goal without the personal financial gain of any individual or profit making commercial organization involved and which submits adequate proof to the satisfaction of the Emakhazeni Local Municipality of its non-profit status.

“on-premises business advertisement / advertising sign” means an advertisement aimed at identifying and locating business enterprises and industries, and excludes a residential or community advertisement.

“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 sign hanging or projecting over a boundary.

“owner of the advertisement” means the person who owns the advertisement which is displayed on the advertising sign, or any person who has a right to or shares in the ownership of the advertisement.

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

“permanent sign” means signs erected for a period of more than 30 days.

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

“person” means both natural and juristic persons.

“person who displays a sign” means –

- (a) the owner of the sign;
- (b) the owner and occupier of the land or structure on which the sign is displayed;
- (c) the person to whose goods, trade, business or other concerns publicity is given by the sign;
- (d) the person who causes the sign to be displayed or who undertakes to maintain the sign; and
- (e) a body corporate.

“poster (or notice)” 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, local government or any similar body, or to a referendum, or any placard advertising any product or service or announcing the sale of any goods, livestock or property.

“primary right advertising” means any advertising displayed which is appropriate to business being conducted on or in the property on which the sign is to be erected or to which the sign is to be affixed.

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

“prohibited sign” means a sign, which does not conform to advertising by-laws and by-law documentation and can thus not be approved.

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

“projected sign” means any sign projected by cinematography or other apparatus, but does not include a sign projected onto the audience’s side of a drive-in cinema screen during a performance.

“projecting sign” means any sign, whether stationary or actuated, 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 registered in a deeds registry as an erf, lot, plot, farm, stand or agricultural holding.

“public body” means any authority or any statutory body acting on behalf of the government.

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

“public road” means a road which the public has the right to use.

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

“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, being it a national, provincial, metropolitan or local road.

“road 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 may be provided for motorists.

“road traffic sign” means any road traffic sign as defined in the Road Traffic Act, 1989 (Act 29 of 1989) as amended from time to time.

“roadway” means the portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic which is between the edges of the traveled way.

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

“rotating sign” means a sign, which rotates on any axis.

“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.

“rural area / landscape” means areas of transition between developed urban areas and relatively unspoiled natural areas and includes intensive agriculture, subsistence agriculture, rural small holdings, unproclaimed township areas and areas outside the urban edge.

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

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

“shelter display” means posters positioned as an integral part of a freestanding covered structure.

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

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

“sign” means –

(a) an advertisement;

(b) an object, structure or device which is in itself an advertisement or which is used to display an advertisement; or

(c) an object, structure or device which is not in itself an advertisement or which is not necessarily or solely used to display an advertisement.

“sign alley” means a section of road where advertising structures have been permitted at less than prescribed distances but in such a manner that no advertising structure shall obstruct another in any way.

“skyscraper” means a building which exceeds 15 storeys.

“sky sign” means an advertising sign between 75m² to 300m² on top of a skyscraper in a metropolitan area which may also include any sign consisting of a single line of free-standing, individual, cut-out, silhouetted letters, symbols or emblems which may form an important landmark.

“small billboard” means a billboard smaller than 18m² in area of advertisement.

“specific consent (permitted with)” means the written approval of the Emakhazeni Local Municipality after reviewing of the by-law for outdoor advertising.

“spectacular” (an industry term) means a custom-made billboard, which incorporates special effects such as internal illumination, cut outs and three-dimensional representations.

“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 have 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 next above, or if there are no clearly defined storeys, the height of a storey shall be taken as 4,5m.

“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 the Emakhazeni Local Municipality.

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

“street name sign” means of a pole-mounted, double sided, and internally illuminated advertisement displayed in combination with an illuminated street name sign.

“street number sign” means signs erected on kerbstones to indicate the street number and may include a small advertisement.

“suburban name sign advertisement” means a pole mounted advertisement at the entrance to a town or suburb that carries an advertisement beneath the road traffic sign bearing the name of the town or suburb.

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

“sustainable development” means development that delivers basic environmental, economic and social services to all without threatening the viability of natural built and social systems upon which such services depend.

“teardrop flag” means a sign in the shape of a feather or inverted teardrop which consists of a light-weight, flexible or rigid frame covered with material, and which is normally planted into the ground.

“temporary advertisement / advertising sign” means an advertisement / advertising sign displayed for a maximum period of 30 days or less as determined by the Emakhazeni Local Municipality.

“temporary window sign” means a sign which is temporarily painted or attached to the window-glass of a building used for commercial, entertainment, office or industrial purposes or any temporary sign which is displayed within two meters of any window or other external opening through which it can be seen from the outside.

“third party advertisement” means any advertisement/advertising sign displayed by an advertiser not being in physical occupation of the property on which the advertisement/ advertising sign is to be erected or to which the sign is to be affixed.

“tourism sign” means a road traffic sign being mostly trapezoidal shaped, white on brown colour, the main objective being to inform and guide tourists in the final stages of their journeys.

“tower advertising sign” means a structure used for third-party advertising in a parking area of a shopping centre and at an important transport node such as an airport, railway station or bus or taxi station with a total advertisement area which does not exceed 36m².

“tower, bridge and pylon advertisement” means a billboard advertisement affixed to or painted on a tower, bridge or pylon that is not erected or used primarily for advertising purposes.

“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 a sign mounted on a trailer, bicycle or vehicle, which is mobile at all times, with the sole purpose of advertising.

“tri-vision” (Industry Name) means a display embellished which, through use of a triangular louver construction, permits the display of three different copy messages in a predetermined sequence.

“unauthorized sign” means a sign, the display of which is subject to specific consent and which is displayed without such consent.

“under awning sign” means a sign suspended below the roof of a verandah or balcony.

“urban area / landscape” means a built-up area within the Emakhazeni Municipal area.

“urban area of maximum control” means an area which is deemed sensitive to visual disturbance and includes, but not limited to natural open spaces in urban areas, urban conservation areas, interface of natural landscape with built-up areas, gateways, residential areas, bodies of water and rivers, ridges, forests, open recreational area, architectural and historical sites, characteristic vistas, heritage sites, special tourist areas and skylines.

“urban area of minimum control” includes, but not limited to areas seen as centres, areas and nodes of concentrated economic activity where the dominant concern and motivation is to conduct business and to sell products and services, such as areas of concentrated economic activity, commercial districts, shopping centers, office precincts, commercial enclaves & shopping centers in industrial areas & industrial parks, entertainment districts, and prominent transport nodes.

“urban area of partial control” means areas that can be characterized by a greater degree of integration and complexity of land use, includes but are not limited to a 50m strip between an area of minimum control and an area of maximum control, which will be measured from the edge of the area of maximum control into the area of minimum control, commercial enclaves in residential areas, suburban shopping centers & office parks, ribbon development, educational institutions, institutional premises, sports fields or stadiums, commercialized squares, government enclaves, smallholdings of an urban nature.

“vehicular advertising” means advertising on self-driven vehicles which are usually moving on land or water, including taxis, buses, trains and delivery vehicles, but exclude aircraft.

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

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

“walking poster” means a poster or posters which is suspended from a person’s shoulders or attached to a person.

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

1.1 If any provision in these By-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Systems Act, or any other law, been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorized by it.

2. APPLICATIONS FOR CONSIDERATION OF ADVERTISING SIGNS

2.1 A person shall not display or erect an advertisement or any sign or structure or device, without having obtained the written approval of the Emakhazeni Local Municipality. The provisions of this section shall not apply to signs deemed exempt or prohibited.

2.2 A sign displayed with the approval of the Emakhazeni Local Municipality shall not in any way be altered, moved, re-erected, nor shall any alteration be made to the electrical wiring system of such sign except for the purposes of renovating or maintenance; without the further approval of the Municipality.

2.3 An application on the prescribed form shall be submitted to the relevant office of the Emakhazeni Local Municipality duly signed by the owner of the proposed sign and by the owner of the land or building on which the proposed sign is to be erected or displayed or their agent/s authorized in writing.

2.4 The application shall be accompanied by the following:

- (a) The prescribed fee;
- (b) A locality plan and block plan of the site on which the advertising sign or advertising structure is to be erected or displayed, drawn to scale showing every building on the site and the position with dimensions of the advertising sign or advertising structure in relation to the boundaries of the site;
- (c) A drawing sufficient to enable the Emakhazeni Local Municipality to consider the appearance of the advertising sign or advertising structure and all relevant construction detail, and elevations and sections to a scale of 1:100;
- (d) A full description of the materials and finishes to be employed shall be provided on the plan, elevations and sections;
- (e) An artist's impression of the final product in its setting (i.e. a photo of the site with a superimposed structure on it – as close as possible to the correct scale and size of the sign);
- (f) An engineer, professionally registered in terms of the Professional Engineers Act (Act 18 of 1968), shall take full written responsibility for all structural work contemplated by the applicant;
- (g) Correct site information according to the Town Planning Scheme with a written approval of the registered owner of the property or his authorized agent, together with copies of the applicable Title Deed;
- (h) An approved SG diagram of the site;
- (i) Certified proof of the land-use rights in terms of the relevant Town Planning Scheme as amended from time to time;
- (j) The applicant shall satisfy the Emakhazeni Local Municipality that proposals for billboards have been commented upon by the Ward Councilor.

2.5 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 the responsibility of the applicant to ensure that this application adheres to all other relevant acts, regulations and by-laws.

3. TARIFFS

Every person who applies to the Emakhazeni Local Municipality for its approval or permission shall, on making the application, pay to the Emakhazeni Local Municipality the fee determined therefore and no application shall be considered until such fee has been paid. The set of rates as drawn up by the Emakhazeni Local Municipality and revised from time to time and as appropriate, shall apply.

4. APPEAL PROCESS

4.1 An applicant who is not satisfied with the decision taken by the Emakhazeni Local Municipality may appeal against that decision by giving written notice of the appeal and reasons thereof to the Municipal Manager within 21 days of the date of the notification of the decision.

4.2 Such appeal shall be made by lodging a notice setting out the nature and grounds of the appeal within the prescribed period with the Municipal Manager of the Emakhazeni Local Municipality.

4.3 The Municipal Manager must timeously submit the appeal to the appropriate appeal authority.

4.4 The Municipal Manager or the relevant delegated appeal authority shall hear the appeal including any oral or written submissions from interested parties, and

inform the applicant of its decision, which shall be final, and the reasons therefore.

4.5 The Municipal Manager or the relevant delegated appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

5. ENFORCEMENT AND REMOVAL OF SIGNS AND STRUCTURES

5.1 If any sign is so displayed that, in the opinion of the Emakhazeni Local Municipality, is detrimental to the environment or to the amenity of the surrounding areas or is otherwise in contravention of this By-law, the Emakhazeni Local Municipality shall serve a notice on the responsible person to remove such sign or carry out such alteration thereto or do such other work as may be specified in such notice within the time specified in the notice.

5.2 If the responsible person fails to comply with an instruction contained in a notice, the Emakhazeni Local Municipality may remove and destroy such sign.

5.3 The Emakhazeni Local Municipality may issue or send a spot fine with the notice. The Emakhazeni Local Municipality will not be held responsible or be required to compensate any person in respect of removing advertising signs, where damage or loss was incurred due to its removal or destroying.

5.4 Notwithstanding the provisions of this section, If the advertisement contravenes these By-laws and is erected on, attached to, or displayed on any property of, or under the control of the Council, Council may, without serving any notice, remove any such advertising or structures from the premises, if in the opinion of the Emakhazeni Local Municipality, such an advertisement poses and immediate danger to the general public

5.5 Any costs incurred by the Emakhazeni Local Municipality in removing and storing a sign, or doing alterations or other works in terms of this section, will be recovered from the responsible person. Neither the Emakhazeni Local Municipality nor the Municipal Manager will be liable for damages of whatever nature arising from the confiscation, removal, or disposal of the sign.

6. OFFENCES AND PENALTIES

Any person who –

- (a) contravenes any of the provisions of these By-Laws;
- (b) contravenes or fails to comply with any of the requirements as set out in a notice issued and served on him in terms of these By-Laws;
- (c) contravenes or fails to comply with any conditions imposed in terms of these By-Laws;
- (d) knowingly makes a false statement in respect of any application in terms of this by-law,

shall be guilty of an offence and shall on conviction be liable to a fine as decided by Council not exceeding R50 000-00 (Fifty Thousand Rand), in addition to this in the case of a continuing offence or, in default of payment, to imprisonment for a period not exceeding twelve months, and in the case of a continuing offence to a fine not exceeding R500-00 (Five Hundred Rand) for every day during the continuance of such offence after a written notice has been served by the Council requiring discontinuance of such offence. For a second or subsequent offence the guilty party or offender shall be liable on conviction to a fine not exceeding R50 000-00 (Fifty Thousand Rand) or in default of payment, to imprisonment for a period not exceeding twelve months.

7. PENALTY COSTS

7.1 No person shall display any advertisement in the Emakhazeni Local Municipality without the written approval of the local authority and any person

who contravenes the provisions of this by-law shall be guilty of an offence and shall be liable to a fine as follows:

- (a) Any movable advertising device (trailer, car, caravan) parked anywhere in the Emakhazeni Local Municipality - R2 000.00 (Two Thousand Rand) per sign;
- (b) The erection of large and super billboards anywhere in the Emakhazeni Local Municipality - R50 000.00 (Fifty Thousand Rand) per sign;
- (c) The displaying of flags, banners and posters anywhere in the Emakhazeni Local Municipality - R500, 00 (Five Hundred Rand) per sign per day;
- (d) The erection of signs less than 1m² anywhere in the Emakhazeni Local Municipality - R1 000.00 (One Thousand Rand) per sign per day;
- (e) The erection of small billboards in the Emakhazeni Local Municipality - R10 000.00 (Ten Thousand Rand) per sign;

7.2 This determination is applicable to all areas within the jurisdiction of the Emakhazeni Local Municipality and is effective from the date of promulgation of these By-Laws. This determination replaces all previous determinations.

7.3 Any penalty or fee recoverable in terms of these By-Laws and which remains unpaid will be recovered from the owner of the land on which the advertisement is displayed and will be included in the municipal accounts in respect of the property in question.

8. INDEMNITY

The Council may refuse any application submitted or grant its approval subject to any condition which it may deem expedient, including a condition that the owner of any sign or the owner of the land or building on which such sign is to erected or displayed, or both such owners, indemnify the Council to its satisfaction against any consequence flowing from the erection, display or mere presence of such sign.

9. DAMAGES TO MUNICIPAL PROPERTY

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

9.2 The cost for any repairs necessarily incurred by Council to effect repairs to any tree, environment electric standard or service so damaged shall be for the account of the responsible person.

10. ENTRY AND INSPECTION

The Council shall be entitled, through its duly authorized officers or 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.

11. RESPONSIBLE PERSON

If any person is charged with an offence relating to advertising signs:

- (a) it shall be deemed that such person either displayed the advertising sign or caused or allowed it to be displayed;
- (b) the owner of any land or building on which any advertising sign was displayed, shall be deemed to have displayed such a sign, advertising structure or poster, or caused or allowed it to be displayed;
- (c) any person who was either individually or jointly, with any other person responsible for organizing, or is in control, of any meeting function or event to which a sign or poster relates, shall be deemed to have displayed every sign or poster displayed in connection with such meeting, function or event or to have caused or allowed it to be displayed; and

- (d) any person whose name appears on a sign, advertising structure or poster or to have caused or allowed it to be displayed, unless the contrary is proved.

12. SERVING OF NOTICE

Where any notice or other document is required by these By-Laws to be served on any person, it shall be deemed to have been properly served if served personally on him or 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 persons residential or business address as it appears in the records of the Council, or if such person is a company, if served on an officer of that company at its registered office or sent by registered post to such office.

13. EXEMPTED AND PROHIBITED SIGNS

13.1 Exempted signs

The following signs 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 sign displayed in an arcade or building which is not aimed at road users and which is not visible from a public street.
- (c) Any national flag hoisted on a suitable flag pole as long as nothing is added to the design of the flag and no advertising material added to the flag pole.
- (d) A sign which is displayed by the Emakhazeni Local Municipality;
- (e) Any Banner or flag carried through the streets as part of a procession.

13.2 Prohibited signs

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

- (a) Any sign painted on, attached to, or fixed between the columns or posts of a verandah.
- (b) Any signs to be suspended across a street, except at locations as determined by Council.
- (c) Any signs which will obscure a road traffic sign or which may be mistaken for or cause confusion with or interfere with the functioning of a road traffic sign.
- (d) Any sign which will obstruct any window or opening provided for the ventilation of a building or which obstructs any stairway or doorway 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.
- (e) Any animated or flashing sign where the frequency, or the animations or flashes, or other intermittent alterations disturbs the residents, or occupants of any building, or is a source of nuisance to the public.
- (f) Any illuminated sign where the illumination disturbs the residents or occupants of any building or is a source of nuisance to the public.
- (g) Any swinging sign, which is a sign not rigidly and permanently fixed.
- (h) Any sign displayed on land not in accordance with the relevant zoning or approved consent use as per applicable Town-planning Scheme.
- (i) Any advertisement or sign other than exempted sign, for which neither a permit nor approval has been obtained.
- (j) Any poster pasted otherwise than on an advertising structure legally erected for the purpose of accommodating such poster.
- (k) Any sign painted on a boundary wall or fence in a residential and rural area.
- (l) An advertising sign which in the opinion of Emakhazeni Local Municipality, is suggestive of anything indecent or may prejudice the public morals.
- (m) Any sign which relates to a business which is conducted on an erf or land which has not been re-zoned for that specific purpose.

- (n) Any advertisements which relates to cigarettes or other tobacco products.

14. NEW TYPE OF SIGNS

14.1 Since new types of signs are continuously being developed, and the use of existing signs may become undesirable –

- (a) a person who intends to display a sign –
 - (i) for which no provision is made in these By-laws;
 - (ii) which does not fall within any of the classes of signs provided for in these By-laws; or
 - (iii) the display of which is of such nature that it does not fall within the ambit of what is understood as ‘display’ in these By-laws, must, before such a sign is displayed, apply for the approval of the sign and for the display of such sign in terms of section 2, and Council may prescribe conditions applicable to such sign or the display thereof; and
- (b) Council may by notice in writing require a person who displays a sign, the display of which in the opinion of the Council is undesirable, to remove or cease the display such a sign.

14.2 A lease of land within the jurisdiction of Council does not confer the right to use the land solely for purpose of advertising.

15. PROHIBITED AREAS

No commercial signs may be displayed in prohibited areas. The Council may from time to time identify as prohibited areas. The following prohibited areas have been identified –

- (a) Council’s land, other than signs controlled by advertising contracts.
- (b) Historical areas.
- (c) Heritage trail areas.
- (d) Any reserves such as nature reserves.

- (e) Any other areas as specified by Council.

16. PUBLIC TENDERS

16.1 Council must, in terms of Councils Supply Chain Management Policy and, and subject to the provisions of the Preferential Procurement Framework Act, 2000 (Act No. 5 of 2000) and the Regulations to the Act, adjudicate one successful tender, for each standard advertising type aiming to provide non-locality bound advertising space for a private sector service, product or any other message on Municipal land.

16.2 The successful tender, known as the contractor –

- (i) Will be responsible for the display of an advertising sign in terms of the provisions of these By-laws, and on the terms and conditions agreed upon in a written agreement in his or her contract with Council; and
- (ii) Will be responsible for the removal of any illegally displayed signs of the same class for which that particular contract has been awarded if so required by the Emakhazeni Local Municipality.

16.3 Should a contractor fail to comply with the above provisions in the contract conditions, Council must serve a notice on the contractor to rectify compliance with the provisions or contract conditions, and should the contractor not comply within two months after notice has been served, council has the right to relieve the contractor of his or her contract, after which the contractor has no right to signs already displayed and the council may deal with these signs.

17. TRANSITIONAL PROVISIONS

17.1 Every owner of land, including a building on land on which a sign was erected without formal approval, before the coming into operation of these By-Laws, that is prohibited by these By-Laws and which is not an advertisement or

advertising sign for which the Council may grant approval, must be removed within 90 days of date of commencement.

17.2 Where an advertisement or advertising sign has been erected or displayed before the date of commencement of these By-Laws without formal approval, which in terms of these By-Laws, may not be erected or displayed without the approval of the Council, the owner of the advertisement or advertising sign must apply to the Council, for approval, within 90 days of date of commencement hereof, failing which the advertisement or advertising sign must be removed forthwith. No such application may be made in respect of an advertisement or sign contemplated in sub-section 17(1).

17.3 If approval for an advertisement or sign contemplated in sub-section 17(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.

17.4 Where an advertising sign has been legally, correctly erected or displayed before the date of commencement of this by-law with a formal approval and/or contract from any former legal authority which by that time had the legal rights to give such approval and / or contract, which in terms of this by-law may not be so erected, an agreement must be reached between the Emakhazeni Local Municipality and the owner of the structure. This agreement shall address the correction, removal, relocation or replacement of the advertising sign, in what ever way, to adhere to this by-law. Proof of this prior approval and/or contract has to be submitted to the Emakhazeni Local Municipality on request. After agreement has been reached a new approval and/or contract, if applicable, shall be compiled between the Emakhazeni Local Municipality and the owner of the structure.

CHAPTER II: GENERAL PROVISIONS AND AREAS OF CONTROL

18. GENERAL REQUIREMENTS

18.1 An advertisement or advertising structure may not -

- (a) in the opinion of the Municipality constitute a danger to any person or property;
- (b) be erected without approval where such approval is required by any Act, Regulations or any other law;
- (c) 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;
- (d) emit a noise, sound, smoke, smell or odours.

18.2 The Municipality may increase the minimum spacing between advertisements, or place further restrictions on the position, size and content of any advertisement if considered necessary, in the interests of road safety or environmental impact.

18.3 If an approved advertising structure does not display an advertisement or message for a period of more than 6 (six) months from date of approval or as otherwise agreed to by the Municipality, the Municipality will serve a notice on the owner requiring him, at his own cost, to remove the structure or to display an advertisement or message within a period so specified.

18.4 Signage which was not categorized and for which provision was not made in this by-law, will be addressed on an ad-hoc basis and considered by the Municipality.

19. DESIGN, CONSTRUCTION AND POSITION ON THE SITE

19.1 Any advertising sign must, in the opinion of the Municipality:

- (a) be neatly and properly constructed and executed and finished in a workmanlike manner in accordance to the National Building Regulations and Building Standards, Act 103 of 1977, as amended from time to time;
- (b) have a neat appearance and shall consist of durable materials;
- (c) be rigidly and securely attached, supported or anchored in a safe manner;
- (d) be constructed and located at a height that discourages vandalism.

19.2 An advertising sign shall, in the opinion of the Municipality, not -

- (a) 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;
- (b) be displayed in places or in such a manner that it could be detrimental to the amenity of the neighborhood or disfigure the surroundings.

19.3 Any advertiser or contractor shall:

- (a) have all exposed metalwork of any sign painted or otherwise treated to prevent corrosion and all timber treated to prevent decay;
- (b) take such measures as are necessary to prevent the entry of water and dust into and the accumulation of water, moisture or dust on or in any advertising sign or any part of its supporting framework, brackets or other members and should adhere to the Municipality approved IP rating;

19.4 An advertiser, contractor or any other person shall not -

- (a) 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.
- (b) 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 any electrical standard or bulk service or other public installation or property.

19.5 If an advertising sign contains glass, it must adhere to the following:

- (a) all glass used (other than glass tubing in neon and similar advertising signs) shall be safety glass at least 3 mm thick; and
- (b) glass panels used in advertising signs shall 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.

19.6 Before any advertising structure is erected, the Municipality must consider, whether the advertising structure is suitably positioned and orientated.

19.7 An advertisement or advertising sign may not —

- (a) obstruct any window or view 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 persons 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 any fence or boundary wall in an area of maximum or partial control;
- (c) be higher than the height restriction in terms of the relevant Town Planning Scheme of that specific site or the direct surrounding sites, as

- amended from time to time unless a relaxation has been obtained in terms of such Town Planning Scheme;
- (d) encroach on the building restriction area or any servitude unless a relaxation has been obtained in terms of the relevant Town Planning Scheme as amended from time to time;
 - (e) be erected within or over any 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 may be erected close to a power line servitude); and
 - (g) unreasonably obscure, partially or wholly, any advertising sign owned by another person previously legally erected and legally displayed.

19.8 On specific higher order roads, as identified by the Municipality, no free-standing advertising sign may be situated closer than:

- (a) 5 (five) metres from a road reserve boundary if on private land;
- (b) if the advertising structure exceeds 5 (five) metres in height, a distance from the road reserve boundary equal to the height of the advertising structure or at a position as indicated by the Municipality.

19.9 If required by the Municipality, the structural design of an advertising structure shall be certified by a professional structural engineer with reasonable relevant experience. The engineer shall satisfy the Municipality that the structure will be adequate to secure, fix or support any sign, advertising structure or screen to resist all loads and forces to which the sign, structure or screen may 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.

20. MAINTENANCE

20.1 Any advertising sign as permitted shall, on a regular basis, be maintained in good repair in a safe condition and according to the highest standards as regards quality of structures, posting and sign writing.

20.2 The owner of any land or building on which an advertising 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 of the advertising sign in a safe and proper condition, maintaining the surrounding area in a neat and tidy state. Such owners will be liable for the consequences of not doing so, and must undertake at least one annual inspection of the advertisement in order to comply with the Municipality's requirements.

20.3 If, in the opinion of the Municipality, any advertising sign or structure 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 Municipality may serve a notice on an owner of the advertising sign and/or owner of the land and/or owner of the advertisement, requiring him at his own cost, to remove the sign or structure or do other work specified in the notice within a period so specified. No compensation shall be payable by the Municipality to any person in consequence of such removal.

20.4 The Municipality may, instead of serving notice, itself carry out the removal of an advertisement/advertising sign or advertising structure or do other work which it may deem necessary. In case of a private property the Municipality may recover the cost thereof from the owner of the advertising structure, owner of the land or the owner of the advertisement.

20.5 All signs shall be secured in a manner so as to not constitute a danger to the public. The landowner on whose property such sign is located shall assume all responsibility and liability, indemnifying the Municipality against any claim which may arise in connection with such sign.

20.6 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, shall be removed forthwith upon the owner of the structure ceasing to occupy the premises.

20.7 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 signs remain visible, without the consent of the Municipality.

21. ELECTRICAL AND ILLUMINATION

- 21.1 Every illuminated sign and every sign in which electricity is used, shall -
- (a) have power cables and conduit containing electrical conductors positioned and fixed so that they are not unsightly in the opinion of the Municipality;
 - (b) be constructed of material which is not combustible;
 - (c) be provided with an external switch in an accessible position and, if required, at a height of at least 3 (three) meters from the ground whereby the electricity supply to the sign may be switched off;
 - (d) be wired and constructed in accordance with and subject to the provisions of the Municipality's electricity supply by-laws;
 - (e) not be connected to any electricity supply without the prior written permission of the relevant electricity supply authority. It shall be in accordance with the provisions of the standard rules for the electrical wiring of premises or structures. Such proof of permission shall be submitted if requested; and

- (f) be fitted with efficient suppressers if it is likely to interfere with radio reception.

21.2 The following maximum luminance levels per square meter are applicable for all classes of advertisements is permitted (as permitted by the International Commission on Illumination):

<u>Illuminated area</u>	<u>Maximum luminance</u>
Less than 0.5 m ²	1 000 candela/m ²
From 0.5 m ² to 2 m ²	800 candela/m ²
From 2 m ² to 10 m ²	600 candela/m ²
Above more than 101 m ²	400 candela/m ²

21.3 The light source emanating from floodlights or light not meant for illumination, shall not be visible to traffic travelling in any direction.

21.4 Floodlighting shall be positioned to ensure effective distribution and minimize light wastage or “spill”.

21.5 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.

21.6 An advertisement or advertising sign may 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.

21.7 Before any advertising structure is erected, the Municipality must consider, whether the illumination of the advertisement or advertising sign is likely to distract drivers' attention from road traffic signs which are not illuminated.

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

21.9 An electronic advertisement must be static for at least 5 seconds per advertisement.

21.10 Light not intended for illumination may only be utilised if it is allowed for in the environmental plans of the Municipality.

21.11 No advertisement or advertising structure shall, if illuminated, be erected in such a way that it may 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 neighborhood.

22. CONTENT, AMENITY AND DECENCY

22.1 Advertisements positioned along roads and specifically targeting the road user shall be concise and legible and shall 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
Symbols and logos	0,5 bit
Background graphics (depending on the	1,0 to 3,0 bits

destructiveness of the graphic)	
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(b) On any sign, the number of bits and size of the text should adhere to -

Speed of the road (km/h)	Bits allowable	Minimum size and height of letters
0 – 60	15	150mm
From 61 to 80	12	250mm
above 80	10	350mm

For all other type of advertisement signs, the text size should be a minimum of 50mm high, and should be considered by the Municipality for readability before it can be approved.

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

22.2 A sign shall have a neat appearance in terms of advertisement content and sign writing, and shall not contain untidy handwritten messages. This shall be done to the satisfaction of the Municipality.

22.3 No message may be spread across more than one advertisement, sign or sign panel.

22.4 Numbers longer than ten digits are not allowed.

22.5 An advertisement may not -

(a) in the opinion of the roads authority contain an element which distracts the attention of drivers in a manner likely to lead to unsafe driving conditions; or

- (b) be erected in view of a signalised intersection which displays predominantly the colours red, yellow or green if such colours will constitute a road safety hazard.

22.6 An advertisement shall not, in the opinion of the Municipality, be in its content objectionable, indecent or suggestive of indecency or prejudicial to the public morals; or be in conflict with the guidelines or standards laid down from time to time by the Advertising Standards Authority (ASA), or any similar body recognised as representing the industry.

22.7 Before any advertisement is erected, it 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 in the regulations promulgated under the National Road Traffic Act;
- (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.

23. POSITIONING AND SIZE CONCERNING ROAD SAFETY AND TRAFFIC CONSIDERATIONS

23.1 An advertisement or advertising structure or advertisement shall not -

- (a) in the opinion of the roads authority be so placed which distracts the attention of drivers or pedestrians in a manner likely to lead to unsafe conditions;
- (b) be so placed which cause any obstruction to a motorist's view of the roadway or its approaches, regardless of the direction the motorist is travelling;
- (c) be attached to, combined with (unless specifically provided for in the SADC Road Traffic Signs Manual (SADC RTSM)), 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) in the opinion of the roads authority 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;
- (e) project over a sidewalk or pedestrian circulation route, unless the clear height of such sign exceeds 2,4m and for a cycle circulation route a clear height of 3,0m;
- (f) project over a road with an overhang (if not allowed on a bridge or gantry);
- (g) in the vicinity of a signalized intersection predominantly display the colours red, amber or green if such colours will, in the opinion of the roads authority, constitute a road safety hazard.

23.2 Before any advertising structure is erected, it must be considered by the Municipality whether -

- (a) the size of the advertisement, together with other advertisements in the area, if any, will 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 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.

24. AREAS OF CONTROL

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 sign impact. It is generally recognized, that outdoor advertising can have a detrimental effect upon the urban environment in certain locations.

All areas under the jurisdiction of the Municipality shall be classified under a specific area of control. If an area has not be designated, for whatever reason, it will be deemed to be an area of maximum control, until considered and otherwise classified by the Municipality.

The land-use categories described in the tables are generic and do not refer to a specific town planning scheme. When an application is evaluated, the approved land use rights and town planning scheme applicable to that specific erf will be consulted for specific zoning details. Notwithstanding the designation of the areas of control, the Municipality may approve the erection of an advertising sign on Municipal owned land if there is no major impact on surrounding areas, and if the surrounding land uses can accommodate that specific type of sign.

The following type of land uses shall be classified under the areas of control, as listed below:

24.1 Maximum Control

(a) Natural Landscape

National Parks

Game reserves

Nature reserves

Agriculture land / Farm land

Scenic corridors

Scenic landscapes

(b) Rural Landscape

Agriculture land

Rural smallholdings

Un-proclaimed township area

Areas outside the urban edge

(c) Urban Area of Maximum Control

Conservation areas and natural features inside the urban edge

Passive recreation areas

Scenic features and areas

Historical and architectural features and areas

Plots and urban small-holdings (which are proclaimed)

Gateways

Home undertakings within residential areas

Specifically proclaimed heritage areas and buildings

Cemeteries

24.2 Partial Control

Office blocks (three storeys or more and street front of 100m or more)

Commercial enclaves or centres in residential areas

Commercial ribbon development

Schools / Educational institutions (such as Universities, Technicons, Colleges, etc.)

Sports fields and stadia

Commercial squares

Institutional/government enclaves

24.3 Minimum Control

Central commercial districts

Commercial enclaves and shopping centres

Industrial areas or industrial parks

Entertainment districts or complexes

Transport nodes (such as taxi and bus ranks, railway stations, airports, etc.)

CHAPTER III: CRITERIA FOR DIFFERENT TYPES OF ADVERTISEMENTS

25. BILLBOARDS AND OTHER HIGH IMPACT FREE STANDING SIGNS

25.1 The following criteria on areas and roads where it should be located, size and height will apply for billboards and other high impact signs, as included in Table 1:

Table 1: Location, Size and Height

	Super Billboards	Large Billboards	Small Billboard
Area of control	Minimum / Partial	Minimum / Partial	Minimum / Partial
Size	from 40 to 81m ²	18 to 40m ²	Less 18m ²
Speed (where allowed)	Any speed	Only on roads with speed limits up to 80 km/ph	Only on roads with speed limits up to 80 km/ph
Total Height	12.5m	10.5m	10.5m

1. *No large or small billboard shall exceed a maximum height of 10.5m, or shall exceed the allowable height on that specific site or on the surrounding sites, as allowed for in the relevant town planning scheme or approved zoning for the site, whichever is the lesser, unless specifically approved by the Municipality.*
2. *Billboards can be allowed inside metropolitan road reserve or on other Municipal owned land, with specific attention to:*
 - *Road Safety (Section B7),*
 - *Combination and clutter of advertising,*
 - *Environment impact, and*
 - *Areas of maximum control.*

25.2 The following criteria on the position and spacing will apply for billboards and other high impact signs, as included in Table 2 and Figure 1 below:

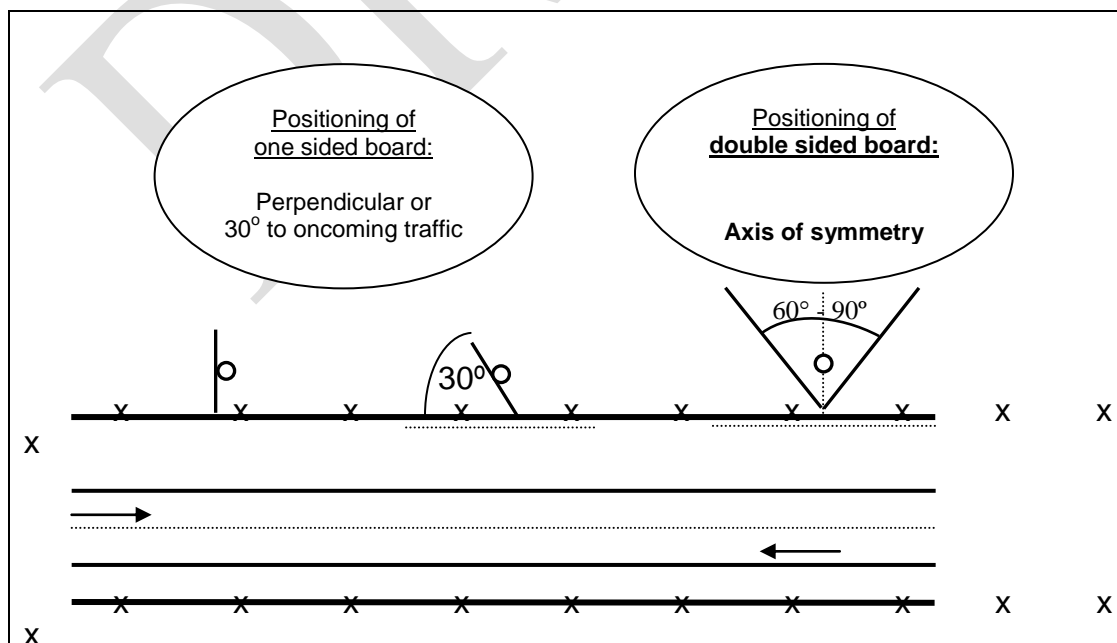
Table 2: Position & Spacing - Visible per direction of travel

Speed	To other billboards and high impact signs	To Road Signs	To the nearest edge of tar of the crossroad, measured from the sign, parallel along the road where the sign is located next to / Centre of Intersection / Point where lanes merge or diverge - whichever of these is the further distance
0 less than 60	250m	50m	100m
from 61 to 80	250m	100m	100m

more than 80	250m	200m	200m
<ul style="list-style-type: none"> ○ Super Billboards should be spaced at least 1 km apart on roads with a speed limit up to 80 km/ph if visible from each other. ○ Super Billboards should be spaced at least 250m apart on roads with a speed limit from 80 km/ph, if visible from each other. ○ Large Electronic Billboards (more then 18m²) should be spaced at least 2 km apart on any road. ○ Electronic Billboards of 18m² or smaller in area should be spaced at least 1.5 km apart on any road. 			

25.3 An advertising sign consisting of a single board shall be displayed perpendicular to or at an angle of 30° to the direction of oncoming traffic as indicated in Figure 1. In the case of two signs joined together the advertisement shall be displayed with the axis of symmetry perpendicular to the direction of the oncoming traffic as indicated in Figure 1.

Figure 1: Positioning of advertising signs in relation to traffic flow





26. SUPER BILL BOARDS

This class consists of billboards larger than 40m² and up to 81m².

- (a) General requirements, as stated in Sections 18 to 23, apply.
- (b) Approval for display shall not be granted for an indefinite period. Approval can be granted for a period of five (5) years. After this five (5) years have expired, a request for the extension of the approval period for a maximum of another five (5) years can be submitted to the Municipality, with the first right of refusal to the existing structure owner. The advertising structure shall be erected within six (6) months after approval. One further extension for the erection of the structure of six (6) months or more, in the discretion of the Municipality, can be granted in writing.
- (c) An approved structure shall display an advertisement or message within 6 (six) months after erection.
- (d) The clear height of the advertising sign shall not be less than 2.4m.
- (e) An advertising impact assessment may be required for any super billboard.
- (f) This class of advertising sign is subject to the approval of the Municipality.

27. LARGE BILL BOARDS

27.1 This class consists of billboards with a size from 18m² to 40m².

27.2 General requirements, as stated in Sections 18 to 23, apply.

27.3 Approval for display shall not be granted for an indefinite period. Approval can be granted for a period of five (5) years. After this five (5) years have expired, a request for the extension of the approval period for a maximum of another five (5) years can be submitted to the Municipality, with the first right of refusal to the existing structure owner. The advertising structure shall be erected within six (6) months after approval. One further extension for the erection of the structure of six (6) months or more, in the discretion of the Municipality, can be granted in writing.

27.4 An approved structure shall display an advertisement or message within six (6) months after erection.

27.5 The clear height of the advertising sign shall not be less than 2.4 m.

27.6 An advertising impact assessment may be required for any large billboard.

27.7 This class of advertising structure is subject to the approval of the Municipality.

28. SMALL BILL BOARDS

28.1 This class consists of billboards smaller than 18m².

28.2 General requirements, as stated in Sections 18 to 23, apply.

28.3 Approval for display shall not be granted for an indefinite period. Approval can be granted for a period of five (5) years. After this five (5) years have expired, a request for the extension of the approval period for a maximum of

another five (5) years can be submitted to the Municipality, with the first right of refusal to the existing structure owner. The advertising structure shall be erected within six (6) months after approval. One further extension for the erection of the structure of six (6) months or more, in the discretion of the Municipality, can be granted in writing.

28.4 An approved structure shall display an advertisement or message within six (6) months after erection.

28.5 The clear height of the advertising sign shall not be less than 2.4 m.

28.6 The main function of this type of sign shall not be to identify or locate specific businesses or enterprises. This function belongs to on-premises business signs.

28.7 This class is subject to the approval of the Municipality.

29. FREE-STANDING SIGNS AT EDUCATIONAL FACILITIES AND INSTITUTIONS

29.1 Free-standing signs at educational facilities and at institutions require the specific consent of the Municipality, which will be evaluated in accordance with the approved by-law as amended from time to time.

29.2 Criteria as included in Table 1 and 2 above, applies.

29.3 General requirements, as stated in Sections 18 to 23, apply.

29.4 Free-standing signs at educational facilities and at institutions may indicate the name and nature of the facility or institution and the name of a sponsor.

29.5 The top of free-standing signs at educational facilities and at institutions shall not be higher than 7.5 m.

29.6 A maximum total sign area of 36m² per street frontage is allowed, if that specific street front is longer than 100m. If this advertising area is divided, it should be divided into signs of equal size, form and construction, each of which may not exceed 18m² in sign area.

29.7 Free-standing signs at educational facilities and at institutions shall only be displayed on property boundaries adjacent to public roads.

29.8 No free-standing signs at educational facilities and at institutions shall be placed on or next to property boundaries adjacent to parks, Municipal-landscaped areas, traffic circles and other areas as determined by the Municipality.

29.9 Free-standing signs at educational facilities and institutions and supporting structures must either form an aesthetic and integral part of a substantive architectural element or must harmonize with buildings, boundary walls or nearby and other structures on the premises as far as materials, color, texture, form, style and character are concerned and be placed on the street frontage boundary to the satisfaction of the Municipality

29.10 Illumination may be considered on the successful submission of an Advertising Impact Assessment.

29.11 Free-standing signs at educational facilities and at institutions shall not, in any way detrimentally affect the residential character and amenity of the neighborhood or any other amenities of the area and/or the surroundings.

30. ADVERTISEMENTS ON STREET FURNITURE

30.1 This class will be allowed in urban areas of maximum, partial and minimum control.

30.2 The size and height of signs allowed in this class are as follows:

Size: up to 2,2m²

Height: Maximum 4m

Clear height: 2.4m (if applicable)

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

- (a) Allowed inside urban road reserve (except freeways).
- (b) Not closer than 1.8m from road edge or 0.3m of cycle path, footpath or sidewalk.
- (c) Minimum of 120m apart, or at specific locations as determined by the Municipality.
- (d) Not to obstruct pedestrian movement.
- (e) May not in any way interfere with the sight distances of motorists.
- (f) These signs may only be illuminated if the street or road is illuminated and may not be animated.
- (g) This class consists of advertising on public facilities and structures which are not intended primarily for advertising but which are provided for pedestrians and commuters and may include seating benches, planters, pavement litter bins, pole-mounted bins, bus shelters, pavement clocks and drinking fountains.
- (h) General requirements, as stated in Sections 19 to 24, apply.
- (i) Street furniture and advertising furniture higher than 3m shall be used only as focal points.
- (j) It provides ample opportunity for third-party advertising along urban roads and streets inside road reserves as well as opportunities for third-party advertising in public spaces and in other pedestrian-orientated areas at shopping centers, shopping malls and at transport nodes.

- (k) Street furniture shall not be used or positioned for the primary or sole purpose of advertising.
- (l) This class provides opportunities for making creative and positive contributions to streetscapes.
- (m) Bus Shelters shall be constructed in accordance to the Municipality specifications or designs approved by the Municipality.
- (n) This class is subject to the approval of the Municipality.

31. BANNERS AND FLAGS

31.1 This class will be allowed in rural areas of control, urban areas of maximum, partial and minimum control.

31.2 The size and height of signs allowed in this class are as follows:

Size: Maximum control:	Maximum size: 5m ²
Maximum total sign area per event per street front:	10m ²
Partial / Minimum control:	Maximum size: 6m ²
Maximum total sign area per event per street front:	12m ²

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

- (a) Attached to flagstaffs, buildings or special streetscaping structures.
- (b) Maximum control: Maximum of 2 banners or flags per event per street front.
- (c) Partial and Minimum control: Maximum of 10 banners or flags per event per street front.
- (d) On the site of the function / event or on boundary fences/walls of approved sites.
- (e) Minimum distance from centre of intersection: 50m.
- (f) Minimum distance from road signs: 50m.
- (g) 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.

- (h) No poster may be affixed to a lamp post, if it was not tested and certified by a structural engineer that the lamp post will be able to carry the poster and will be able to resist all loads and forces to which these signs may be exposed.

31.4 These signs may not be illuminated or animated, unless approved by the Emakhazeni Local Municipality.

31.5 This class consists of advertisements in the form of banners and flags. Flags are attached to a single flagstaff projecting vertically from a premises or projecting vertically, horizontally or at an angle from a building. Banners may be attached to buildings or to special streetscaping structures provided for this purpose, or boundary fences / walls on approved sites.

31.6 General requirements, as stated in sections 18 to 23, apply.

31.7 Banners and flags shall be used only for the following purposes:

- (a) Advertising functions and events conducted for religious, educational, social, welfare, animal welfare, sporting, civic or cultural purpose, or functions or events relating to municipal, provincial or parliamentary elections, referenda or registration process.
- (b) Displaying the name, corporate symbol and nature of enterprises.
- (c) Streetscaping urban areas such as pedestrian malls, gateways and at pre-defined positions within the road reserve.

31.8 Only locality-bound banners and flags shall be used for advertising enterprises, except when incorporated in a streetscaping project. These banners may be displayed against boundary fences / walls following approval by Municipality.

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

31.10 National flags of any country are excluded from this class and may 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.

31.11 Banners and flags carried through the streets as a part of a procession are not included in this class.

31.12 Every banner or flag shall be attached to or suspended between poles or other supports on the site or against the building where the function or event is to be held or where the enterprise is located or on such other site as may allowed.

31.13 Banners and flags are permitted within all urban road reserves other than freeways, but banners shall only be suspended across a road or street as part of an urban streetscaping project.

31.14 Banner shall be placed in positions within the road reserve as determined by the Municipality.

31.15 Banners attached to buildings in urban areas of maximum control shall blend with such buildings.

31.16 Every banner or flag shall be attached so as not to interfere with or constitute a danger to passing vehicular or pedestrian traffic.

31.17 Banners and flags used for streetscaping shall form a harmonious and well-designed part of the total streetscape.

31.18 Banners advertising a function and events conducted for religious, educational, social, welfare, animal welfare, sporting, civic or cultural purposes, or functions or event relating to municipal, provincial or parliamentary elections, referenda or registration process are permitted, to be displayed against a boundary wall or fence following approval by the Municipality.

31.19 This class is subject to the approval of the Municipality.

32. SUBURB NAME SIGN ADVERTISEMENT

32.1 This class will be allowed in urban areas of maximum, partial and minimum control.

32.2 The size and height of signs allowed in this class are as follows:

Size: Not wider than suburb sign and rectangular in shape.

Should be less conspicuous than the suburban name.

Maximum height of the advertisement: 0.45m and it should be the same height as the suburb name.

32.3 The position and spacing requirements for this class of signs should be according to SADC RSTM.

32.4 These signs may not be illuminated or animated, unless approved by the Municipality.

32.5 This class consists of pole mounted location signs (road traffic signs - GL 2) at entrances to suburbs, carrying an advertising sign beneath the suburb name.

32.6 General requirements, as stated in Sections 18 to 23, apply.

32.7 Suburban ads are permitted within all urban road reserves other than freeways.

32.8 As these signs are attached to suburb name signs, which are road traffic signs, their positioning shall be dependant on the positioning of the suburb name signs. However, suburb name signs positioned on road islands, medians and within the restricted area shall not be used to carry suburban ads, except if so considered by the Municipality.

32.9 No colours that may cause confusion with road traffic signs shall be used.

32.10 The background of the advertising sign shall not be retro-reflective or fluorescent.

32.11 This class is subject to the approval of the Municipality.

33. ESTATE AGENTS' BOARDS

33.1 This class will be allowed in all areas of control.

33.2 The size and height of signs allowed in this class are as follows:

Maximum size: Non-residential vacant erf: 6m²

Size: All other signs: 0.6m x 0.45m

Height: Less than 3m high

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

- (a) Placed close to a boundary fence or within boundary of erf.
- (b) Maximum one sign per agent.
- (c) Maximum three signs per erf.
- (d) Non-residential vacant erf will not be permitted in the road reserve.

33.4 These signs may not be illuminated or animated.

33.5 This class consists of signs which are temporarily displayed to advertise the fact that land, premises, development or any other form of real estate is for sale, to let or on show.

33.6 General requirements, as stated in Sections 18 to 23, apply.

33.7 All signs 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.

33.8 The erection of 'On Show' estate agents' boards on streets reserves shall be permitted after 12:00 on Fridays on condition that they be removed before 12:00 on the following Monday.

33.9 A sign may consist of a single sign or two duplicate signs joined at an angle of 120°.

33.10 Any estate agents board exceeding 2,8m² shall require the submission of a special application.

33.11 The signs shall be placed at or fixed to the building concerned, or attached to the boundary fence of the premises concerned, or displayed within the boundaries of such premises, or displayed on the sidewalks to a maximum of 1 meter away from the boundaries of such premises.

33.12 "On Show" estate agent's boards shall be allowed to be displayed within the road reserve in the event of the sign being a residential sign. Signs shall not be displayed on road islands or medians. "On Show" boards may be displayed from the nearest lower order road with no less than 60m intervals between the signs, and no more than 5 signs being displayed at any one time.

33.13 No sign shall project at any point more than 1.3m from the wall of the building or structure to which it is affixed.

33.14 No limitations to the colour and texture of signs.

33.15 All 'For Sale' and 'To Let' boards shall be removed no later than 3 days after completion of the sale or granting of the tenancy.

33.16 'Sold' boards may be displayed for a period not exceeding 30 days after completion of sale.

33.17 'On Show' boards for new developments may be erected for a period of 6 months where after an extension of an additional 6 months may be obtained at the discretion of the Municipality.

33.18 This class is subject to the approval of the Municipality.

34. SALE OF GOODS OR LIVESTOCK (AUCTION SALES)

34.1 This class will be allowed in all areas of control.

34.2 The size and height of signs allowed in this class are as follows:

Size: Maximum or Partial Control: 2m²

Minimum Control: 2.8m²

Height: Maximum height: 3m

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

- (a) Not on road reserve or road reserve boundary of freeways.
- (b) Maximum of one sign per sale facing a road.
- (c) Only on premises / property or attached to boundary fence of property.
- (d) May be displayed 14 days prior to the event and should be taken down within 3 days after the event.

34.4 These signs may not be illuminated or animated.

34.5 This class consists of signs announcing the sale of goods or livestock on land or on premises not normally used for commercial purposes. It may include auction sales of furniture and other household goods on residential premises or an auction of livestock or game on a farm.

34.6 General requirements, as stated in Sections 18 to 23, apply.

34.7 No limitations to the colour and texture of signs.

34.8 This class is subject to the approval of the Municipality.

35. POSTERS AND NOTICES

35.1 This class will be allowed in urban areas of maximum, partial and minimum control.

35.2 This class consists of three types of posters namely:

- (a) **Event and Parliament Posters:** Posters erected to advertise public and charitable events, functions, occasions, meetings or campaigns of a religious, educational, cultural, political, social, sporting or recreational nature. This category includes posters erected to advertise an auction as well as public awareness and community based campaigns and notices of a public meeting. It also includes posters for parliamentary or municipal elections, by-elections, referenda and registration process.
- (b) **Commercial Posters:** Posters erected in this category may be used for commercial advertising on structures for which specific provision has been made for by the Municipality.
- (c) **Newspaper Posters:** Posters displayed in this category shall display selected news headlines of a specific edition of a newspaper.

35.3 The size and height of signs allowed in this class are as follows:

(a) Event and Parliament Posters:

Size: One direction: up to 0.54m^2
More directions: up to 1.08m^2
Parliament posters: $0.9\text{m} \times 0.6\text{m}$ (A1 size)
Event posters: $1.2\text{m} \times 0.9\text{m}$ (A0 size)

Height: Minimum Height (Clearance): $2,1\text{m}$
At least 2m below light fixtures

(b) Commercial Posters:

Size: One direction: up to 1.08m^2
More directions: up to 2.16m^2
Typical posters: $1.2\text{m} \times 0.9\text{m}$ (A0 size)

Height: Minimum Height (Clearance): $2,4\text{m}$
At least 2m below light fixtures

(c) Newspaper Posters:

Size: One direction: up to 0.32m^2
More directions: up to 0.64m^2
Typical posters: $0.7\text{m} \times 0.45\text{m}$ (A2 size)

Height: Minimum Height (Clearance): $2,4\text{m}$
At least 2m below light fixtures

35.4 The position and general requirements for this class of signs is as follows:

- (a) General requirements, as stated in Sections 18 to 23, apply.
- (b) No poster may be affixed to a lamp post, if it was not tested and certified by a structural engineer that the lamp post will be able to carry the poster and

will be able to resist all loads and forces to which these signs may be exposed.

- (c) Standardized pole mounted posters shall be allowed only where they will not have a negative visual impact on the streetscape and the character of an area.
- (d) Only permitted on electric light standards or other structure, which is provided for the express purpose of pasting or affixing posters and notices.
- (e) May not be attached to power line standard, power masts, road traffic sign or signal, traffic circle, traffic island or median, wall, column or post of a verandah or balcony, fencing, electricity box or sub-stations, tree or bridge.
- (f) No sign shall be mounted on a short (4,5m) streetlight pole.
- (g) Not to cover municipal markings / stripes on lampposts.
- (h) No limitations to the colour and texture of signs.
- (i) No steel or aluminum ladders shall be placed against the standards on which the posters are to be erected.
- (j) These signs may not be illuminated or animated, unless approved by the Municipality
- (k) Posters and notices shall not be displayed inside the road reserve boundaries of freeways.
- (l) Signs may not have any letters smaller than 50mm in height.
- (m) If so required by the Municipality, the content is subject to the Municipality approval.
- (n) The Municipality shall in the absence of legislative prescriptions determine the number and display format of posters in this category.
- (o) No poster or other advertisement shall be placed in a street or other public place unless the appropriate sums determined by special resolution in terms of Section 80 B of the Local Government Ordinance, 1939 has been paid to the Municipality.
- (p) Every deposit paid shall be refunded when all the posters or other advertisements to which the deposit relates, have been removed to the satisfaction of the Municipality.

- (q) Any person who, having displayed or caused to be displayed any advertisement or advertising sign, 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 shall assess having regard to the number of posters of advertisements not removed.
- (r) The Municipality shall be entitled, without giving notice to anyone, itself to remove and destroy any poster or advertisement displayed without its permission having been obtained or in contravention of any provision of this section of which has not been removed within the period specified of which constitutes in any respect a contravention of the provisions of this section and the person who displayed, any posters or advertisement or caused permitted or suffered it to be displayed shall be liable to refund to the Municipality the cost to be assessed and deducted by the Municipality from the deposit made, of the said removal and destruction and in addition shall be guilty of an offence.
- (s) This class is subject to the approval of the Municipality.

35.5 Conditions applicable to Event and Parliament Posters:

- (a) Posters shall 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 or product or any third party advertisement.
- (c) At least 50m from the centre of an intersection.
- (d) Posters shall be erected only 14 days prior to the event, if relevant.
- (e) All posters, backing boards and cord or string shall be removed within 3 days of the passing of the event, if relevant.
- (f) A maximum of one poster per post or standard, except for parliament posts where a maximum of three posters per post or standard is allowed.

- (g) An applicant will submit a street list indicating positions of posters erected within 3 days after approval is granted.
- (h) Poster signs aimed at the road used shall not be less than 120m apart.
- (i) Every poster and notice, for which permission is granted, shall be marked with a municipal sticker and only signs marked with a reference number shall be displayed.
- (j) 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 or referendum.
- (k) 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.

35.6 Conditions applicable to Commercial Posters:

- (a) Posters shall be fixed to electric light standards by means of removable brackets or strapping. No drilling or welding of poles will be allowed.
- (b) At least 50m from the centre of an intersection.
- (c) A maximum of one per post or standard.
- (d) All signs may be double-sided (dependant on traffic flow or where such a need exists).
- (e) More creative and visually pleasant structures should be used for displaying large posters than standardized pole mounted structures in order to make a positive contribution to streetscaping.
- (f) The Municipality shall determine areas where posters may be displayed.
- (g) Only one larger poster facing per direction shall be displayed per post or standard, but not on the first two posts closest to the intersection.

35.7 Conditions applicable to Newspaper Posters:

- (a) Posters shall be fixed to electric light standards by means of removable brackets or strapping. No drilling or welding of poles will be allowed.
- (b) Shall not be used to advertise a commercial event.
- (c) May be displayed along specific main traffic routes with the specific consent of the Municipality.
- (d) Shall be displayed for 24 hours only.
- (e) A maximum of one per post or standard.
- (f) The Municipality shall determine the number and display format of posters in this category.

36. PROJECT BOARDS AND DEVELOPMENT ADVERTISEMENTS

36.1 This class will be allowed in all areas of control.

36.2 The size and height of signs allowed in this class are as follows:

(a) Project Boards:

- (i) Maximum size: 1.5m² per consultant.
- (ii) Total Maximum size: 9m².
- (iii) Maximum height: 3m.

(b) Development Advertisements:

- (i) Maximum size: 6m² in maximum control area.
- (ii) Maximum size: 12m² in partial and minimum control area.
- (iii) Maximum height: 3m.

36.3 The position and spacing requirements for this class of signs are as follows:

(a) Project boards:

- (i) One sign per street front per site.
- (ii) Not in road reserve.
- (iii) Only road construction sign will be allowed within the road reserve.
- (iv) Not next to a freeway.

- (b) Development advertisements:
- (i) Only one advertisement per development.
 - (ii) Only while relevant development is taking place.
 - (iii) Not in road reserve.

36.4 Project boards may not be illuminated or animated, unless approved by the Municipality

36.5 Project boards consists of 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.

36.6 General requirements, as stated in Sections 18 to 23, apply.

36.7 The sign 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 may be listed.

36.8 Also included are signs 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.

36.9 Individual or single signs shall be displayed only if no other consultants or contractors are involved or if a combined project board has already been erected.

36.10 Only one advertisement per contractor or consultant shall be permitted per street frontage of a site, while in natural areas, only one advertisement per contractor or consultant per project shall be allowed.

36.11 In all cases only one sign describing the type of development shall be allowed per development.

36.12 Project boards concerning road construction may be positioned in any road reserve, including a freeway (General conditions under Section B7).

36.13 No limitations to the colour and texture of signs.

36.14 Project boards shall be displayed only during the period when the construction works are actually taking place on the site.

36.15 This class is subject to the approval of the Municipality.

37. STREET NAME ADVERTISEMENT

37.1 This class will be allowed in urban area of maximum, partial and minimum control.

37.2 The size and height of signs allowed in this class are as follows:

(a) Size: Maximum Area: 1m²

Horizontal: 0.8m to 1m

Vertical: 1m to 1.2m

(b) Height: Clear height: At least 2.1m and not more then 3.0m to the street name.

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

(a) Street name section below advertising section, but not closer than 200mm.

- (b) May not extend over the road surface.
- (c) Maximum two illuminated advertising signs per intersection.
- (d) Inside urban road reserve but not on freeways, road medians or islands.

37.4 These signs may be illuminated as follows:

- (a) Static illumination, if in view of a signalized intersection, the advertisement may not contain predominantly red, amber or green colours.
- (b) Static illumination not exceeding luminance of street name section.
- (c) Internal illumination only with the proviso that the degree of illumination intensity shall be equal for both parts of the sign.
- (d) Illuminated portion should be higher than the standard traffic lights.
- (e) These signs may not be animated and may not flash.

37.5 This sign class consists of pole-mounted, double-sided, internally illuminated advertisements displayed in combination with street name signs (as included in the SADC RTSM) in the urban environment.

37.6 General requirements, as stated in Sections 18 to 23, apply.

37.7 These signs will constitute an important service to both the motorist and the pedestrian in locating such facilities and functions.

37.8 The street name shall be in black letters on a white background.

37.9 Any street name on the advertising space shall be smaller and less conspicuous than the street name on the actual street name panel. The layout of the advertising panel shall be such that there shall not be any confusion with the street name on the street name panel of the sign.

37.10 This class is subject to the approval of the Municipality.

38. NEIGHBORHOOD WATCH, SECURITY SIGNS AND SIMILAR

SCHEMES

38.1 This class will be allowed in all areas of control.

38.2 The size and height of signs allowed in this class are as follows:

(a) Size:

Security signs: Maximum area: 0.35m²

Neighborhood and farm watch: Maximum area 1.5m²

(b) Height: Maximum height: 3m

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

(a) Security signs: Urban area:

(i) In urban areas only one sign per street boundary of a stand or subdivision shall be permitted and such sign shall be firmly affixed to the building, boundary wall, fence or gates on the street frontage or shall be displayed within the boundaries of the stand.

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

(b) Farm watch:

Farm watch signs may be displayed at the junction or intersection of a public road and private access road or at the entrance to an individual farm. Only one sign per farm shall be allowed.

(c) Neighborhood watch:

A neighborhood or farm watch sign may be erected within a road reserve other than national road, provincial road or any freeways, at the point where the watch area is entered. However, such signs shall not be positioned on a road island or road median or inside a restricted area.

Not on Road Island or median.

38.4 These signs may not be illuminated or animated.

38.5 This class consists of outdoor signs for neighborhood watch, security signs, farm watch and similar watch schemes indicating that a watch scheme/security

company is in operation in the area or responsible for the security of that specific site.

38.6 General requirements, as stated in Sections 18 to 23, apply.

38.7 It also makes provision for signs containing the name, address and telephone number of a security company contracted to protect the premises on which the sign is displayed.

38.8 No limitations to colour and texture are imposed.

38.9 Signs shall refer only to the existence and operation of a commercial security service, burglar alarm system or neighborhood watch or similar system or scheme.

38.10 This class is subject to the approval of the Municipality.

39. PRODUCT REPLICAS AND THREE-DIMENSIONAL SIGNS

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

39.2 These signs can function as on-premises business advertisements or as third party advertisements.

39.3 If it functions as an on-premises business advertisement, it should adhere to all the criteria of on-premises business advertisements.

39.4 If it functions as a third-party advertisement, it should adhere to the criteria for Billboards in Section 26 and to the criteria for Small Billboards in Section

C4. No sign in this class shall exceed the size of a small billboard in advertising space.

39.5 The size and height of 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: | Partial Control: | | 3m |
| | Minimum Control: | | 4m |

39.6 General requirements, as stated in Sections 18 to 23 apply.

39.7 Signs attached to buildings or displayed on individual premises shall be limited to one sign per enterprise.

39.8 Signs attached to buildings shall not be displayed above the bottom edge of the second floor window and shall not extend above the level of the underside of the eaves or gutter of any building.

39.9 The above conditions on position do not apply to entertainment districts.

39.10 No limitations to colour and texture are imposed.

39.11 Product replicas shall not dominate prominent architectural features of any building with the exception of buildings in entertainment districts.

39.12 This class is subject to the approval of the Municipality.

40. SKY SIGNS

40.1 This class will be allowed in CBD areas or in other areas as determined by the Municipality.

40.2 The size and height of signs allowed in this class are as follows:

- (a) Size: 75m² – 300m² per building
- (b) Height: Depend on height of building, or to be considered by the Municipality.

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

- (a) Maximum of 1 to 5 signs / CBD, or to be determined by an AIA to the satisfaction of the Municipality.
- (b) Should not project in front of a main wall of host building, so as to extend beyond the roof of such a building in any direction.
- (c) Should not obstruct the view from other buildings
- (d) Sign to be set against a screen.

40.4 These signs may be illuminated, but not animated, unless approved by the Emakhazeni Local Municipality.

40.5 This class consists of very large signs between 75m² and 300 m² on top of sky scrapers in metropolitan areas. It may also include any sign consisting of a single line of free-standing, individual, cut-out, silhouetted letters, symbols or emblems.

40.6 General requirements, as stated in Sections 18 to 23, apply.

40.7 Content change is subject to the Municipality approval.

40.8 No limitations to colour and texture are imposed.

40.9 All sky signs shall be designed by a structural engineer.

40.10 Approval for display shall not be granted for an indefinite period. Approval can be granted for a period of five (5) years. After this five (5) years have expired, a request for the extension of the approval period for a maximum of another five (5) years can be submitted to the Municipality, with the first right of refusal to the existing structure owner. The advertising structure shall be erected within six (6) months after approval. One further extension for the erection of the structure of six (6) months or more, in the discretion of the Municipality, can be granted in writing.

40.11 An approved structure shall display an advertising sign or message within six (6) months after erection.

40.12 This class is subject to the approval of the Municipality.

41. ROOF SIGNS

41.1 This class will be allowed in urban areas of maximum, partial and minimum control.

41.2 The size of signs allowed in this class, are as follows:

- (a) Size: Maximum area if the sign is:
- less 6m above ground: 2m²
 - from 6m to 9m above ground: 4m²
 - from 9m to 12m above ground: 8m²
 - from 12m to 18m above ground: 12m²
 - 18m more then above ground: 18m²

Bottom of sign not more than 120mm above roof

41.3 The position and spacing requirements for this class of signs are as follows:

- (a) Only locality-bound signs.

- (b) Maximum one sign per building.
- (c) Not project in front of a main wall of host building.
- (d) In a partial control area, it should be placed below the ridges of pitched roofs and not be part of the skyline.

41.4 These signs may be illuminated, but not animated, unless approved by the Emakhazeni Local Municipality.

41.5 This class consists of signs which are fixed to the roofs of buildings lower than 15 floors and used or partly used for commercial, office, industrial or entertainment purposes.

41.6 General requirements, as stated in Sections 18 to 23, apply.

41.7 Signs fixed to roofs of verandas or balconies shall not be included in this class.

41.8 The main purpose of this class is to provide an opportunity for indicating important commercial, office, industrial or entertainment functions in a more prominent manner or for indicating commercial, office, industrial or entertainment functions or enterprises where the structure of a building hinders or prohibits the application of any other appropriate sign type.

41.9 Roof signs may also include any sign consisting of a single line of free-standing, individual, cut-out, silhouetted letters, symbols or emblems.

41.10 A roof sign shall be constructed in a straight line, except in the case of a V-construction. In the case of a V-construction, the two sides forming the sides of the V shall be of equal length. Furthermore, the distance between the sides at the open end (furthest from the apex of the V) shall not exceed the length of the sides.

41.11 The sign shall not exceed 300 mm in thickness, except in the case of a V-construction sign.

41.12 No limitations to colour and texture are imposed.

41.13 Approval for display shall not be granted for an indefinite period. Approval can be granted for a period of five (5) years. After this five (5) years have expired, a request for the extension of the approval period for a maximum of another five (5) years can be submitted to the Municipality, with the first right of refusal to the existing structure owner. The advertising structure shall be erected within six (6) months after approval. One further extension for the erection of the structure of six (6) months or more, in the discretion of the Municipality, can be granted in writing.

41.14 An approved structure shall display an advertisement or message within six (6) months after erection.

41.15 This class is subject to the approval of the Municipality.

42. FLAT SIGNS

42.1 This class will be allowed in the following areas of control:

- (a) Natural and rural areas, and Urban area of maximum control: Only centers of economic activity, then only on commercial, office, industrial and entertainment buildings, only locality-bound;
- (b) Urban area of partial control;
- (c) Urban area of minimum control.

42.2 The size of signs allowed in this class, are as follows:

- (a) Size: Locality-bound:
Maximum control: Area: less than 20% of ground floor façade.

Partial & Minimum control: Area: less than 30% of ground floor façade.

Shopping centres: Area: less than 30% of specific façade.

Third-party: Area: less than 72m² or a maximum of 50% of the wall area, whichever is the lesser

42.3 The position and spacing requirements and some general conditions for this class of signs are as follows:

- (a) Locality-bound: Front walls of buildings, or any other wall.
- (b) Third-party: Only to side and back walls of buildings with maximum one per wall, not above lower edge of a visible second-floor window.
- (c) Maximum control: One per enterprise.
- (d) Partial & minimum control: Two per enterprise.
- (e) Not to extend above top / beyond either end of wall.
- (f) Where third-party flat signs are erected, it should adhere to the criteria for billboards, as in Section 26.

42.4 These signs may be illuminated but not animated, unless approved by the Emakhazeni Local Municipality.

42.5 This class consists of signs which are affixed to any external or main wall of a building used for commercial, office, industrial or entertainment purposes, excluding a parapet wall, balustrade or railing of a verandah or balcony of such a building.

42.6 General requirements, as stated in Sections 18 to 23, apply.

42.7 Such signs shall at no point project more than 300 mm from the surface of the main wall.

42.8 A flat sign may consist of a panel/sheet or of individual numbers, letters or symbols.

42.9 A distinction can be drawn between:

- (a) Locality-bound flat signs which are attached to the front walls of buildings but which may also be attached to side and back walls.
- (b) Third-party flat signs which may be much larger and shall be attached only to the side and back walls of buildings which do not fulfill the function of a building facade.

42.10 This sign type shall not be applicable to buildings used for residential purposes or for community services or community institutions, small enterprises and practices on residential premises, or small scale residential-oriented accommodation.

42.11 In areas of minimum and partial control flat signs may be allowed rather freely at ground and first floor level in accordance with the commercial, industrial or entertainment character of such areas. Necessary control shall be applied with regard to third-party flat signs and flat signs above first-floor level.

42.12 An advertising impact assessment may be required for any flat sign in excess of 36m².

42.13 The maximum projection of any part of a flat sign over footway or ground level shall be 75mm where such sign is less than 2,4m above the sidewalk or ground level immediately below such sign and 300mm where such sign is more than 2,4m above such footway or ground level.

42.14 The above conditions on position do not apply to entertainment areas.

42.15 No limitations to colour and texture are imposed.

42.16 Wall units to display flat signs at shopping centres shall be designed in such way as to form a structural and architectural whole with such buildings.

42.17 Approval for display shall not be granted for an indefinite period. Approval can be granted for a period of five (5) years. After this five (5) years have expired, a request for the extension of the approval period for a maximum of another five (5) years can be submitted to the Municipality, with the first right of refusal to the existing structure owner. The advertising structure shall be erected within six (6) months after approval. One further extension for the erection of the structure of six (6) months or more, in the discretion of the Municipality, can be granted in writing.

42.18 This class is subject to the approval of the Municipality.

43. PROJECTING SIGNS

43.1 This class will be allowed in the following areas of control:

- (a) Natural and rural areas, and urban areas of maximum control (only centers of economic activity, buildings utilized for commercial, office, industrial, entertainment, accommodation).
- (b) Urban areas of partial control.
- (c) Urban areas of minimum control.

43.2 The size and height of signs allowed in this class are as follows:

AREAS OF MAXIMUM CONTROL		
	Clear height of sign	
	Below 6m	Above 6m
Maximum size	1,2m ²	4,0m ²
Maximum horizontal dimension	1,0m	1,5m
Maximum vertical dimension	1,5m	3,0m
AREAS OF PARTIAL AND MINIMUM CONTROL		

	Clear height of sign	
	Below 6m	Above 6m
Maximum size	2,4m ²	8,0m ²
Maximum horizontal dimension	1,5m	2,0m
Maximum vertical dimension	3,0m	5,0m

43.3 The position and spacing requirements for this class of signs are as follows:

- (a) Only one per enterprise façade.
- (b) Right angles to street line.
- (c) Vertical distance between sidewalk and sign should be more than 0.46m from vertically projected kerblines.

43.4 These signs may be illuminated.

43.5 This class consists of signs which are affixed to an external or main wall of a building used for commercial, office, industrial or entertainment purposes and which projects more than 300mm from the surface of the main wall and which is affixed at right angles to the street line.

43.6 General requirements, as stated in Sections 18 to 23, apply.

43.7 This sign type shall not be applicable to buildings used for residential purposes or for community services of community institutions, small enterprises and practices on residential premises, or small-scale residential-oriented accommodation.

43.8 Only locality-bound projecting signs shall be allowed in all areas with the exception of entertainment areas.

43.9 A projecting sign shall not be fixed at a clear height of less than 2.4m nor exceed 300mm in thickness.

43.10 In areas of minimum and partial control projecting signs may be allowed rather freely below the lower edge of visible second-floor windows in accordance with the commercial, industrial or entertainment character of such areas.

43.11 Necessary control shall be applied with regard to signs above the lower edge of visible second-floor windows.

43.12 A projecting sign shall not extend beyond the top of the main wall to which it is affixed or above the level of the top of any parapet wall, or above the level of the underside of the eaves or gutter of a building from which the sign projects.

43.13 Projecting signs may be suspended above sidewalks and therefore above urban road reserves.

43.14 A sign with a clear height of less than 6m shall not project at any point more than 1 800mm from the surface of the main wall to which it is affixed, or more than one half of the width of the sidewalk immediately below such sign, whichever is the smaller dimension.

43.15 The sign shall not be fixed in any way other than the top and the bottom of the sign being in the same vertical plane.

43.16 No limitations to colour and texture are imposed.

43.17 Signs supports shall, be neatly constructed as an integral part of the design of the sign or otherwise it shall be concealed from view.

43.18 Structural drawings shall be submitted for all projecting signs with a clear height of more than 6m.

43.19 This class is subject to the approval of the Municipality.

44. VERANDAH, BALCONY, CANOPY AND UNDERAWNING SIGNS

44.1 This class will be allowed in the following areas of control:

- (a) Natural and Rural areas, and Urban areas of maximum control (only centers of economic activity).
- (b) Urban areas of partial control.
- (c) Urban areas of minimum control.

44.2 The size and height of signs allowed in this class are as follows:

- (a) Maximum vertical dimensions: 0.75m
- (b) Maximum horizontal dimensions: 2.4m
- (c) Projection: 100mm from surface
- (d) Under awning signs:
 - Clear height: Min 2.4m
 - Maximum horizontal dimensions: 2m
 - Maximum sign area: 1m² per face
 - Maximum total area: 2m²
- (e) Signs on top of verandah roofs:
 - Maximum area: 1m²
- (f) Signs on pillar / column / post:
 - At filling station:
 - Maximum sign area: 1m² per face
 - Maximum total area: 2m²
 - Projecting: less than 50mm
- (g) Under verandahs, canopy OR on verandahs, canopy over street:
 - Clear height: Min 2.4m
 - Top of sign: less than 1m below top of canopy / verandah
 - Maximum horizontal dimensions: 1m
- (h) Verandahs and canopies over street:
 - Maximum horizontal dimensions: 0.6m

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

- (a) Only on commercial, office, industrial or entertainment premises.
- (b) Not to extend beyond any extremity of wall, balustrade, railing, beam, fascia.
- (c) One sign per enterprise.
- (d) For an enterprise with a facade exceeding 20m in length, more than one sign may be allowed but such signs shall be spaced at a minimum of 6m intervals and the sign length (horizontal dimension) per enterprise facade shall be limited to 4m.
- (e) May be suspended above sidewalks.
- (f) Balcony signs: Not above lower edge of 2nd floor window.
- (g) Underawning signs: Aimed at pedestrians.
- (h) Signs on top of verandah roofs: Aligned with signs on adjacent buildings, parallel to end of verandah, not cover window / obstruct view
- (i) Under verandahs, canopy OR on verandahs, canopy over street: Not to extend beyond outer edge of verandah or canopy.

44.4 These signs may be illuminated as follows:

- (a) Illuminated only if the clear height at street intersection is from 6m
- (b) Verandahs and canopies over street: No illumination at intersections for canopies over street.

44.5 This class consists of:

- (a) Signs affixed flat onto or painted on a parapet wall, balustrade or railing of a verandah or balcony.
- (b) Signs affixed flat onto or painted on the fascia of a verandah or beam over verandah columns.
- (c) Signs affixed flat onto or painted on the fascia of a roof structure without walls such as a roof covering petrol pumps at a filling station.

- (d) Signs suspended below the roof of a verandah or balcony (underawning signs).
- (e) Signs placed on top of the roof of a verandah.
- (f) Signs affixed to or painted on a pillar, column or post supporting a verandah, balcony or a roof structure without walls.
- (g) Signs painted or printed on the fabric of a canopy or blind.

44.6 General requirements, as stated in Sections 18 to 23, apply.

44.7 Only verandas, balconies and canopies which form part of buildings used for commercial, office, industrial or entertainment purposes or roofed structures without walls which are situated on premises used for such purpose shall be of relevance to this class.

44.8 The following shall be relevant with regard to signs affixed flat onto or painted on a parapet wall, balustrade or railing of a verandah or balcony; affixed flat onto or painted on the fascia of a verandah or beam over verandah columns or affixed flat onto or painted on a fascia of a roof structure without walls.

44.9 No sign shall extend above or below or beyond any of the extremities of a parapet wall, balustrade, railing, beam or fascia.

44.10 No more than one sign per enterprise facade shall be allowed.

44.11 Signs on balconies shall not be displayed above the lower edge of any visible second-floor window.

44.12 The following shall be applicable with regard to signs on top of verandah roofs:

- (a) Signs shall be placed on top of verandah roofs only where such a verandah does not have an appropriate parapet wall, balustrade, railing, fascia or beam on which a sign may be affixed.

- (b) Signs on adjacent buildings shall be aligned with each other in order to form a straight line.
- (c) Signs shall be set parallel to the end of the verandah that faces the street or as near thereto as the configuration of the verandah roof will permit.
- (d) Signs shall not exceed beyond the extremities of the verandah roof nor project beyond the rear of any verandah roof gutter.
- (e) A sign shall not cover any window or obstruct the view from any such window.
- (f) Only one sign per enterprise facade shall be allowed.

44.13 The following shall be applicable with regard to supporting columns, pillars or posts:

- (a) All signs shall be painted on or affixed flat onto the supporting column, pillar or post. Projecting signs shall be affixed only to columns, pillars or posts supporting a roof over fuel pumps at a filling station or roadside service area.
- (b) No sign affixed flat onto a supporting column, pillar or post shall project more than 50mm from the surface to which it is affixed.
- (c) No sign affixed flat onto a supporting column, pillar or post shall extend beyond any of the extremities of such column, pillar or post. Signs affixed flat onto non-rectangular supporting structures shall be curved to fit the form of such a structure.
- (d) Only one sign per pillar, post or column shall be allowed, including signs projecting from pillars, posts or columns supporting a roof at fuel pumps.
- (e) No posters or placards shall be pasted onto any supporting column, pillar or post.

44.14 The following shall be applicable with regard to canopy signs:

- (a) The advertisement shall form an integral part of the canopy or blind without domination of the canopy structure or blind.

(b) Any canopy shall complement the architecture and visual appearance of the building to which it is affixed and shall not dominate such building.

44.15 Signs may be suspended above sidewalks and therefore above urban road reserves.

44.16 No limitations to colour and texture are imposed.

44.17 No illuminated sign or sign designed to reflect light shall be attached to or displayed on any splayed or rounded corner of a verandah, canopy or balcony at a street intersection, unless the bottom of such sign is a minimum of 6m above the street immediately below.

44.18 This class is subject to the approval of the Municipality.

45. SIGNS PAINTED ON WALLS AND ROOFS AND MURAL ADVERTISEMENTS

45.1 This class will be allowed in urban areas of partial and minimum control.

45.2 The size and height of signs allowed in this class, are as follows:

Size: Area: less than 20 % of ground floor façade of the enterprise

Area: On side or back walls: less than 36 m²

45.3 The position and spacing requirements and some general conditions for this class of signs are as follows:

(a) Painted on walls of building used for commercial, office, industrial or entertainment purposes and only on roofs of industrial buildings.

Locality bound:

One sign per enterprise.

Allowed on facade walls, roofs, side and back walls.

On facade: Below lower edge of second floor window.

Third-party sign:

One per wall.

Only on side or back walls.

45.4 These signs may not be illuminated or animated.

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

45.6 General requirements, as stated in Sections 18 to 23, apply.

45.7 Mural advertisements (artistic designed figures) can be considered by the Municipality on a merit basis and can at the most include a logo of a third party, of which the size should be limited to no more than 20% of the total area of the advertisement. No illumination or animation will be allowed for mural advertising.

45.8 The actual size of such sign will depend on the size of the side or back wall concerned and on factors such as the character and appearance of the building and the streetscape as a whole.

45.9 No more than one sign per enterprise shall be allowed while no more than one non-locality-bound sign per wall shall be allowed.

45.10 Third-party signs shall be limited to the side or back walls of buildings which do not fulfill the function of building facades. Third-party signs shall adhere to the criteria for billboards as in Section 26.

45.11 No limitations to the colour and texture are imposed.

45.12 In urban and natural areas of maximum control no internally illuminated sign inside a building shall be visible from outside the building.

45.13 This class is subject to the approval of the Municipality.

46. WINDOW SIGNS

46.1 This class will be allowed in the following areas of control:

- (a) Natural and Rural areas, and Urban areas of maximum control (only centers of economic activity, only on ground floor windows);
- (b) Urban areas of partial control;
- (c) Urban areas of minimum control.

46.2 The size and height of signs allowed in this class, are as follows:

- (a) Natural and maximum control:
Area: less than 10% of ground floor window area.
- (b) Rural and Partial control:
Area: less than 25% of ground floor window area.
- (c) Minimum control:
Area: less than 50% of ground floor window area.

46.3 The position and spacing requirements for this class of signs are as follows:

- (a) The building should be used for commercial, entertainment, office, or industrial purposes.
- (b) No signs allowed above ground-floor level.

46.4 In natural areas and urban areas of maximum control, no internally illuminated signs inside the building should be visible from outside the building.

46.5 This class consists of signs which are permanently painted on or attached to the window-glass of a building used for commercial, entertainment, office or industrial purposes or any other permanent sign which is displayed within two meters of any window or other external opening through which it can be seen from outside such a building. These signs are used mainly for sales promotions

and other advertisements which are aimed at attracting the attention of both road users and pedestrians. Non locality bound products, activities and services may also be included in this class. Price tickets on items inside such buildings which are smaller than 0,01m² shall be excluded from this class.

46.6 General requirements, as stated in Sections 18 to 23, apply.

46.7 Signs in this class shall not be allowed above ground-floor level.

46.8 Colours shall be in harmony with the rest of the building and the general streetscape in urban areas of maximum control.

46.9 This class is subject to the approval of the Municipality.

47. SIGNS INCORPORATED IN THE FABRIC OF A BUILDING

47.1 This class will be allowed in all areas of control.

47.2 These signs may be illuminated if allowed by the Municipality, but not animated.

47.3 This class consists of advertisement incorporated in and forming an integral part of the fabric of a building.

47.4 General requirements, as stated in Sections 18 to 23, apply.

47.5 Some general conditions for this class of signs are as follows:

- (a) Mostly historical buildings, but may also apply to modern buildings.
- (b) Building, structure / external face of building should not be used principally for display of signage.

47.6 An advertisement fixed to or painted on a building is not included in this class.

47.7 This class applies mostly to historical buildings but may also apply to modern buildings and structures such as farm gates.

47.8 No specific limitations are set provided the building or structure or any external face of it is not used principally for the display of advertisements.

47.9 Such advertisements shall also be in balance with the scale of the building and shall be visually and architecturally integrated in the building or structure.

47.10 No sign displayed shall, in the opinion of the roads authority, distract the attention of a driver in a manner likely to lead to unsafe driving conditions.

47.11 No sign shall, in the opinion of the Municipality, be displayed in such a manner as to be detrimental or have a negative aesthetic impact on the urban design, streetscape or character of the environment.

47.12 All signs shall be maintained properly.

47.13 This class is subject to the approval of the Municipality.

48. ADVERTISEMENTS ON FORECOURTS OF BUSINESS PREMISES AND ON SIDEWALKS DIRECTLY IN FRONT OF BUSINESS PREMISES

48.1 This class will be allowed in the following areas of control:

- (a) Natural and Rural areas and Urban areas of maximum control (only centers of economic activity);
- (b) Urban areas of partial control;

(c) Urban areas of minimum control.

48.2 The size and height of signs allowed in this class, are as follows:

(a) Size:

Maximum area: Single sided: 0.75m²

Double sided: 1.5m²

Maximum total area per forecourt frontage / premises: 3m²

Filling stations & roadside service areas:

Maximum total area per forecourt frontage / premises: 8m²

48.3 The position and spacing requirements and some general conditions for this class of signs are as follows:

- (a) In forecourts (outdoor area as functional part of a building) of businesses.
- (b) Free-standing.
- (c) A forecourt sign shall, in the opinion of the Municipality, not be positioned in such a way as to interfere with pedestrian circulation.
- (d) Forecourt signs shall be aimed at passing pedestrians and the users of the forecourt space concerned and shall not be aimed at passing motorists.

48.4 These signs may be illuminated but not animated.

48.5 This class consists of notices, signs and advertisements 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.

48.6 General requirements, as stated in Sections 18 to 23, apply.

48.7 A forecourt is an outdoor area which forms a functional part of a building, housing an enterprise and may include the area at a filling station where the pumps are situated, a terrace in front of a restaurant or café, a sidewalk café, etc.

48.8 Any enclosing fence, wall, screen or similar structure will form part of a forecourt.

48.9 Signs complying with the guidelines given below may be displayed on forecourts in urban areas and on forecourts in centres of economic activity in natural and rural areas and on sidewalks directly in front of business.

48.10 Provision may also be made for additional non-free-standing signs at filling stations and service areas attached to fuel pumps, vending machines and similar non-advertising structures which shall have a maximum size of 0,15 m² per sign.

48.11 A maximum of one sidewalk sign is permitted per business during business hours only and complies with the same specifications of that of a forecourt sign.

48.12 As this class permits advertisement on the forecourts of business premises and sidewalks, signs or advertisements shall be free-standing with the exception of additional signs at filling stations and roadside service areas attached to fuel pumps and similar non-advertising structures.

48.13 No limitations to the colour and texture are imposed.

48.14 Hand-written messages are allowed on boards provided for this purpose.

48.15 This class is subject to the approval of the Municipality.

49. MISCELLANEOUS SIGNS FOR RESIDENTIAL ORIENTED LAND USE AND COMMUNITY SERVICES

49.1 This class consists of a variety of smaller notices and signs to be displayed on buildings or premises utilised for residential-oriented purposes and community services. This class is aimed primarily at urban residential areas and community services but it includes places of residence in natural and rural environments such as farms and smallholdings and community services such as farm schools.

49.2 This class will be allowed in all areas of control for home undertakings and community institutions.

49.3 The size and height of signs allowed in this class, are as follows:

Size:

(i) Direction/warning sign:

Area: 0.5m^2

More entrances to premises: Area: 0.5m^2 per frontage

Max area: 1m^2

(ii) Name of enterprise/practice/ accommodation / partner:

Area: 1.5m^2

More entrances:

Max area: 1.5m^2 for 2 ads

(iii) Solid structure for above 2 types:

Area: 3m^2 , 50% usage of area

(iv) Combination ad:

Area: 1m^2 per farm/enterprise

(v) Name of institution & other community facilities:

Max area: 3m^2 / enterprise

More entrances:

Max area: 3m^2 for 2 ads

(vi) Solid structure for above type:

Area: 6m^2 , 50% usage of area

Combination ad:

Area: 2m² per institution

(vii) Street numbers:

Letter size: larger than 150mm but less than 350mm

(viii) Free standing signs:

Max height: 3m

Max height: Combination sign: 4m

(ix) Name / logo of Sponsor:

Only on name of farm/ smallholding: less than 1/3 of area

49.4 The position and spacing requirements and some general conditions for this class of signs are as follows:

- (a) Only on premises referred to, on boundary wall, fence, and gates.
- (b) Farm/small holdings signs: Next to entrance of access road or on gate of entrance.
- (c) Freestanding only when not possible to fix to building / wall / boundary fence.
- (d) Not in road reserve.
- (e) One per street frontage.
- (f) Home undertakings:
 - (i) Must form integral part of architecture of wall on street frontage.
 - (ii) Sign mainly to indicate name.
 - (iii) Less than 30% to indicate nature of undertaking.
- (g) Community Institutions / facilities:
 - (i) No product ads / sales ads.
 - (ii) Less than 20% name / logo of sponsor.
 - (iii) Not painted on boundary walls.

49.5 These signs may not be illuminated in natural and rural areas of control. These signs may not be animated.

49.6 General requirements, as stated in Sections 18 to 23, apply.

49.7 This class shall be limited to the following:

- (a) Identification, direction and warning with regard to place or residence, e.g.:
 - (i) Street numbers and names of houses, flat complexes, farms and smallholdings.
 - (ii) Notices and signs such as “Beware of the dog”, “No parking please”, “Close the gate”, and “No entrance”.
 - (iii) Nature of farms/smallholding and main activity on farm smallholdings.
- (b) Small business, enterprises and practices on urban residential premises (including urban smallholdings but excluding rural smallholdings) or in buildings that were originally constructed and used for residential purposes or for community services (i.e. residential areas where office and commercial encroachment has taken place.) The name and nature of the business, practice or enterprise. The name(s) of the owner, practitioner or partners.
- (c) Small-scale urban accommodation facilities with a residential and neighborhood character such as guesthouses, bed and breakfast facilities, boarding houses and smaller hotels. Name and nature of the facility/enterprise. Name(s) of the proprietor or partners.
- (d) Community services and institutions such as religious, educational; cultural, recreational and certain medical and similar institutions.
 - (i) Name and nature of institution.
 - (ii) Name(s) of practitioner(s).
 - (iii) Nature and extent of service, opening times, etc.

49.8 A variety of signs, which differ in appearance and character, may be used in this class, such as:

- (a) Signs affixed flat onto or painted on a building and other existing structures such as boundary walls, gates and gate structures.
- (b) Pole-mounted signs.

(c) Signs which include more solid and elaborate supporting structures that form a visual border around the sign panel.

49.9 It may be necessary to have building plans approved for certain supporting structures.

49.10 Direction and warning signs and notices such as “Beware of the dog” and “Close the gate” shall not exceed a total area of 0,5m² per premises, but if there is more than one entrance to the premises on different road frontages, a total sign area of 1 m² may be displayed (with not more than 0,5m² per frontage).

49.11 Name and nature of enterprise, practice, accommodation facility and place of residence as well as name of proprietor, partner or practitioner.

49.12 In cases where more than one farm or smallholding share the same unnumbered or private access route or more than one enterprise share the same premises, a combination sign or collective board shall be provided which will allow for 1 m² per farm, smallholding or enterprise.

49.13 Where several smallholdings are sharing the same access road a smaller sign indicating the property numbers in question only should be considered instead of a larger combination sign indicating property names and names of owners.

49.14 Signs on buildings used for residential purposes other than dwelling-houses.

49.15 A sign containing the name only of any building used for residential purposes other than a dwelling-house, and a sign consisting of a 600mm x 400mm brass or other metal plate displaying the name of the company owning or managing such building, its logo and telephone number, may be displayed.

49.16 Street numbers: One sign per road frontage of each premise is allowed with a minimum letter size of 150mm and a maximum letter size of 350mm.

49.17 The name or logo of the sponsor of a sign shall be allowed only on the name signs of farms and smallholdings and shall not occupy more than one third of the total area of the sign.

49.18 All signs in this class shall be allowed only on the premises to which they specifically refer or on the boundary wall or fence or gate of such premises.

49.19 Farm or smallholding name signs shall be displayed next to the entrance of the access road to the homestead or alternatively it shall be affixed to the gate at the entrance of such access road.

49.20 If any official traffic sign bearing a destination or route number is displayed at the entrance to such access road, no farm/smallholding name signs shall be allowed.

49.21 Free standing signs in this class shall be allowed only when it is not practical or visually acceptable to attach a sign to a building, boundary wall, boundary fence, gate or gate structure.

49.22 No animation shall be allowed in natural and rural areas.

49.23 Signs and, especially, supporting structures should harmonise with the buildings and other structures on the premises as to materials, colour, texture, form, style and character, wherever possible.

49.24 A standardized name sign (colour, form and letter type) for all smallholdings in a specific area, indicating, the name of the smallholding, the name of the owner as well as the property number, is preferable.

49.25 This class is subject to the approval of the Municipality.

50. ON PREMISES BUSINESS SIGNS

50.1 This class will be allowed in all areas of control.

50.2 The size and height of signs allowed in this class, are as follows:

(a) Size:

Maximum control: Maximum area: 6m²

Partial / Minimum control: Maximum area: 12m²

(b) Height:

Maximum control: Maximum height: 7m

Partial / Minimum control: Maximum height: 7.5m (may be increased to 10m if allowed in town planning scheme)

(c) Sponsor name/logo: Maximum of 1/3 of total sign area

50.3 The position and spacing requirements for this class of signs are as follows:

(a) Only locality bound ads.

(b) Individual free-standing on business premises only for specific conditions.

(c) One sign / one panel per enterprise, or one per entrance (max two).

(d) Placed close to enterprise or if not close or visible from road, then at entrance road.

50.4 Preference will be given to combination signs.

50.5 These signs may be illuminated but not animated.

50.6 This class consists of locality-bound signs which are aimed at identifying and locating businesses, enterprises and industries in urban areas, businesses

and enterprises at centres of economic activity in natural and rural areas, including farm stalls and other enterprises on farms and smallholdings.

50.7 General requirements, as stated in Sections 18 to 23, apply.

50.8 This sign type shall include only the following:

- (a) Individual free-standing signs on specific business premises.
- (b) Signs on appropriate structures on specific premises, such as boundary walls, gates and gate structures.
- (c) Combination signs which indicate several businesses or enterprises and which are provided at shopping centres, industrial areas and parking areas shared by several enterprises. In this case the concept of locality-bound is broadened so that premises include the shopping centre or industrial estate as a whole for a communal parking area, together with related enterprises.

50.9 This class shall not include small businesses on urban residential sites or in buildings that were originally constructed for residential or community purposes.

50.10 This class shall not cater for all business, but shall only be provided in the following instances.

- (a) Where the building housing an enterprise is situated relatively far back from the road or street onto which it faces and passing motorists or pedestrians may have difficulty in noticing any signs affixed to such a building.
- (b) In cases where it is not structurally possible or visually feasible to affix appropriate signs.
- (c) Where such a sign is needed to locate the entrance to business premises or the private access road to a business.
- (d) Where a free-standing combination sign may prevent the proliferation of signs.

50.11 In rural and natural areas the need for on-premises business signs may be reduced by making use of brown *tourism signs*.

50.12 Only one sign or advertising panel on a combination sign shall be allowed per enterprise.

50.13 If there is more than one entrance to premises on different road frontages, two signs or advertising panels may be allowed per enterprise, each on a different road frontage.

50.14 No sign shall extend above or beyond any of the extremities of the structure to which it is affixed.

50.15 Signs shall not have in their design any letters, figure, symbols or similar features over 0,75m in height in areas of partial and minimum control, and over 0,35m in areas of maximum control.

50.16 A sign permitted by this class shall not serve as an advance sign and shall be displayed only on the premises where the business is conducted.

50.17 Where a business or enterprise such as a stall or guest house is situated on a large property such as a farm the sign shall be placed in the immediate vicinity of the enterprise where such an enterprise is adjacent to or visible from a public road; if the enterprise is not adjacent to or visible from a public road the sign shall be placed at the entrance of the private access road to the enterprise.

50.18 Signs indicating roadside enterprises such as farm stalls or roadside cafés shall not be closer than 5m from the road reserve fence. Such enterprises shall have direct access to the public road.

50.19 Combination signs at shopping centres and industrial estates which contains large amount of information, shall be designed and located so as not to

create a traffic safety hazard resulting from an information overload in the opinion of the roads authority.

50.20 No sign shall obstruct the view from any adjacent building.

50.21 No limitations to the colour and texture are imposed.

50.22 Internal and external illumination are permitted in areas of minimum and partial control, while only external illumination shall be permitted in areas of maximum control.

50.23 Signs in this class shall refer only to the name and nature of the business or enterprise on the premises; the brand name and nature of the goods for sale or goods produced; the nature of services provided; and the name of the person(s) or firm who own(s) the business or provide(s) the goods or services at the premises.

50.24 In order to prevent the proliferation of signs at shopping centres or at other premises or access roads housing or leading to several enterprises, individual on-premises business signs shall be incorporated in combination signs. The design of such combination signs shall be of a high standard and shall, in the opinion of the Municipality, harmonize with the architecture of the shopping centre or other buildings or structures such as entrance gates. Messages on the individual panels or boards of combination signs shall be as concise and legible as possible.

50.25 On-premises business signs at access roads to farms or smallholdings shall be co-coordinated with signs indicating farm/smallholding names in order to form a single combination sign. The necessary harmony shall be obtained by using the same form, letter type and colour for the various parts of the combination sign.

50.26 This class is subject to the approval of the Municipality.

51. ADVERTISING ON TOWERS, BRIDGES AND PYLONS

51.1 This class consists of signs affixed to or painted on towers and bridges not used primarily for advertising purposes. Included here are signs on cellular telephone base station towers, water towers, radio towers, silos, pylons and similar structures.

51.2 This class will be allowed in urban areas of partial and minimum control.

51.3 The size and height of signs allowed in this class, are as follows:

- a) Size: Maximum total area: 36m² per structure
- b) Height:
 - (i) Pylon sign: Wholly within a notional vertical cylindrical figure; Diameter: 6m, Height: 12m
 - (ii) Clear height: 2.4m (if sign is protruding from pylon)
 - (iii) Clear height: Bridge sign: 5.2m

51.4 Some general conditions for this class of signs are as follows:

- (a) A maximum of 2 signs / tower, bridge, pylon shall be permitted.
- (b) May not extend beyond top of tower, or above, below or beyond extremities of bridge.
- (c) Not projecting more than 0.3m from main wall of tower / bridge.
- (d) Also included: cellular telephone base stations, water towers, radio towers, silos, pylons, masts.
- (e) No sign will be allowed on any electrical transmission pylon.
- (f) Illumination is only allowed if the road along where this large billboard is located or focused on, is illuminated, and only if it does not constitute a road safety hazard or cause undue disturbance.

51.5 General requirements, as stated in Sections 18 to 23, apply. Third-party signs shall adhere to the criteria for billboards as in Section 25.

51.6 An AIA may be required for an advertisement of 18m² or larger.

51.7 No limitations to the colour and texture are imposed.

51.8 Any sign permitted by this class shall be affixed to the tower, pylon or bridge in a manner which has been designed and erected to the satisfaction of the Municipality. The Municipality may require an Engineering Certificate and building plans.

51.9 Every pylon shall be independently supported and, for this purpose, properly secured to an adequate foundation in the ground and entirely self supporting without the aid of guys, stays, brackets or other restraining devices.

51.10 No sign shall be affixed to any electrical transmission pylon.

51.11 Approval for display shall not be granted for an indefinite period. Approval can be granted for a period of five (5) years. After this five (5) years have expired, a request for the extension of the approval period for a maximum of another five (5) years can be submitted to the Municipality, with the first right of refusal to the existing structure owner. The advertising structure shall be erected within six (6) months after approval. One further extension for the erection of the structure of six (6) months or more, in the discretion of the Municipality, can be granted in writing.

51.12 An approved structure shall display an advertisement or message within six (6) months after erection.

51.13 This class is subject to the approval of the Municipality.

52. ADVERTISEMENTS ON CONSTRUCTION SITE BOUNDARY WALLS, FENCES AND CONSTRUCTION BUILDINGS

52.1 This class will be allowed in urban areas of partial and minimum control. If along a national road and if the sign is smaller than 6 m², approval is only needed from the Municipality and not from the South African National Road Agency.

52.2 The size and height of signs allowed in this class shall be considered by the Municipality, depending on the type of construction taking place, surrounding environment and the type of sign to be erected. If such sign reach the size and have the same impact as a billboard, it should be considered under the same criteria as for billboards.

52.3 The position and spacing requirements and some general conditions for this class of signs are as follows:

- (a) Not on top of fence or wall.
- (b) Not project more than 0.1m to front of wall or fence.
- (c) Only for duration of construction.
- (d) Not allowed along or on freeways.
- (e) May not be painted / pasted directly on site boundary wall.

52.4 These signs may not be illuminated or animated.

52.5 The class consists of signs fixed flat against or on top of any fence or wall where such fence or wall forms the boundary of a site where construction work is being carried out. Walls of buildings are excluded from this class.

52.6 General requirements, as stated in Sections 18 to 23, apply.

52.7 These signs can be erected on condition that such signs will conceal an unsightly condition arising out of the use to which the property is lawfully being put, and on condition that such signs shall be making a positive contribution to the visual environment.

52.8 The sign shall not be placed on the top of a fence or wall if it is not positioned to rest directly thereon.

52.9 No limitations to the colour and texture are imposed.

52.10 Poster signs in this class shall be enclosed with definite panels, which shall be uniform in size and level.

52.11 Signs and fence or wall shall be treated as a visual unity. Wherever possible, project boards should also be incorporated in this unified design.

52.12 Construction site signs should always make a positive contribution to a particular streetscape.

52.13 These signs shall be erected only for the duration of the construction work.

52.14 This class is subject to the approval of the Municipality.

53. SPONSORED ROAD TRAFFIC PROJECTS

53.1 This class will be allowed in all areas of control.

53.2 The size and height of signs allowed in this class are as follows:

- (a) Size:
 - Natural, rural, urban areas of maximum control: Maximum area: 0,5m²
 - Urban areas of partial and minimum control: Maximum area: 4.5 m²
- (b) Height: Maximum height: 3 m
- (c) Name / logo of sponsor: less than 1/3 of total sign area.
- (d) SOS call boxes: less than 0.04m² on each side.
- (e) Content: Name of project, name or logo of sponsor.

53.3 The position and spacing requirements for this class of 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 may be used.

53.4 These signs may not be illuminated or animated.

53.5 This class consists of 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.

53.6 General requirements, as stated in Sections 18 to 23, apply.

53.7 This class also includes logos or brand names to be displayed on the sides of SOS telephones by sponsors.

53.8 Signs shall refer only to the name of the project and the name or logo of the sponsor.

53.9 In the case of advertisements on SOS call boxes, duplicate advertisements can be attached to each side of the call box. Sizes shall be limited to 0,04m² on each side of the call box.

53.10 No limitations to the colour and texture are imposed.

53.11 This class is subject to the approval of the Municipality.

54. SERVICE FACILITY SIGNS

54.1 This class will be allowed in all areas of control.

54.2 The size and height of signs allowed in this class, are as follows:

Speed	Maximum Height	Maximum Width
0 to 60	7m	2m
from 61 to 80	10m	3m
more than 80	15m	6m

Maximum: 8 panels/combination sign

One business or enterprise per panel will be allowed.

54.3 The position and spacing requirements for this class of signs are as follows:

- (a) Only at service facilities adjacent and directly accessible from road where sign is.
- (b) One combination sign per site.
- (c) Located according to requirements of roads authority.
- (d) Only one per direction of traffic flow.
- (e) Not in road median or on island.
- (f) If the sign cannot be located on the site and have to be located in the road reserve, specific approval should 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.

54.4 These signs may be illuminated only if the facility is open 24 hours or during business hours of the specific service. No animation is allowed.

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

54.6 General requirements, as stated in Sections 18 to 23, apply.

54.7 Advertisements on such combination signs shall refer only to the name or logo of a business, company or person providing a service or shall indicate the type of service provided. Only signs for locality-bound services shall be allowed.

54.8 Signs in this class shall be limited to service facilities adjacent to and directly accessible from the public road at which such a sign is directed.

54.9 Signs in this class shall be positioned in strict accordance with the requirements of the Municipality or roads authority responsible for the road adjacent to the service facility.

54.10 No limitations to the colour and texture are imposed.

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

54.12 Sufficient landscaping shall be undertaken to screen rest and service areas from freeways.

54.13 Internal rest and service “totem” signs, which form part of *tourism signs* under the South African Road Traffic Signing System, could play an important role with regard to internal direction and orientation at such roadside service areas.

54.14 No sky canons may be displayed without the approvals from the relevant roads authority.

54.15 This class is subject to the approval of the Municipality.

55. FUNCTIONAL ADVERTISEMENTS BY PUBLIC BODIES

55.1 This class will be allowed in all areas of control.

55.2 The size and height of signs allowed in this class are as follows:

(a) Size:

Maximum area: less than 0.55m^2

Larger signs may be allowed by the Municipality

Letter sizes: more than 0.2m in height

55.3 These signs will be allowed inside all road reserves other than freeways or provincial roads.

55.4 These signs may be illuminated if needed to be read after dark.

55.5 This class consists of functional signs of local authorities and other statutory undertakers such as utilities and public transport operators, displayed wholly for the purpose of announcement or direction in relation to any of the functions of the Municipality or to the operation of a statutory undertaking which

is reasonably required to be displayed for the safe or efficient performance of those functions or operation of that undertaking, and cannot be displayed under any other class.

55.6 General requirements, as stated in Sections 18 to 23, apply.

55.7 These signs may include a notice board at a municipal swimming pool, a bus or rail timetable, a warning notice at an electricity substation, and the display of by-laws for recreation grounds or open space.

55.8 Signs in this class shall not be misused for the purpose of commercial and competitive advertising.

55.9 No limitations to the colour and texture are imposed.

55.10 This class of advertising sign is subject to the approval of the Municipality.

56. AERIAL SIGNS

56.1 This class will be allowed in urban areas of partial and minimum control.

56.2 The size and height of signs allowed in this class, are as follows:

- (a) Size: No shape or size restrictions.
- (b) Height: up to 45m (except if approved by Commissioner of Civil Aviation).

56.3 The position and spacing requirements for this class of 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 (except if towed behind a vehicle).
- (c) Advertisements on captive balloon or other captive craft may not be displayed within visual zone along freeway.
- (d) Displayed in daylight hours only.

(e) Display period not exceeding two weeks.

56.4 These signs may not be illuminated or animated. A moored airship may be illuminated.

56.5 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 a aircraft towed behind a vehicle or vessel for the purpose of flight.

56.6 General requirements, as stated in Sections 18 to 23, apply.

56.7 Except with the written permission of the Commissioner of Civil Aviation, no captive balloon, craft for parasailing, kite, hang-glider, model or radio-controlled aircraft or any aircraft towed behind a vehicle or vessel for the purpose of flight shall be flown:

- (a) closer than the distance as specified by the Commissioner of Civil Aviation from the aerodrome reference point of an aerodrome;
- (b) above a public road and in the case of an aircraft towed behind a vehicle or vessel such aircraft shall not take off from or land on a public road.

56.8 No colour or texture limitations are imposed for aerial signs.

56.9 With the exception of moored airships, aerial signs shall be displayed in daylight hours only.

56.10 No captive or unmanned free balloon shall be flown without the special written permission of the Commissioner of Civil Aviation.

56.11 Approval for flying a captive balloon will be considered by the Commissioner only after permission by the Municipality including the safety and security department has been granted.

56.12 Manned free balloons have to meet certain conditions before they may be flown within controlled airspace.

56.13 Airplanes and airships shall not be flown below a certain minimum height, as stipulated by aviation regulations, without special permission.

56.14 This class is subject to the approval of the Municipality.

57. VEHICULAR ADVERTISING

57.1 This class will be allowed in all areas of control.

57.2 These signs may not extend from the edges of the vehicle.

57.3 The position and spacing requirements and some general conditions for this class of signs are as follows:

- (a) Vehicle may not be used for sole purpose of advertising.
- (b) Should be mobile at all times.
- (c) May not be parked for third party advertising.
- (d) If parked, may not be visible from a street.

57.4 These signs may be illuminated internally. No animation is allowed. Illumination of advertisements or signs shall be limited to the following:

- (a) An internally illuminated sign which indicates that a taxi is for hire.
- (b) Retro-reflective signs with the colours red to the back, yellow to the side and white to the front of a vehicle.
- (c) No other specific performance requirements are prescribed.

57.5 This class consists of advertisements on self-driven vehicles which are normally moving on land or water, including taxis, buses, trains and delivery vehicles, but excluding aircraft.

57.6 General requirements, as stated in Sections 18 to 23, apply.

57.7 This class is subject to the approval of the Municipality.

58. TRAILER ADVERTISING

58.1 This class will only be allowed if trailers are mobile at all times, at an average operating speed, without obstructing the traffic.

58.2 The size and height of signs allowed in this class are as follows:

(a) Size:

Maximum vertical dimensions: 3m

Maximum horizontal dimensions: 6m

58.3 General requirements, as stated in Sections 18 to 23, apply.

58.4 This class subject to the approval of the Municipality.
