

## **LOCAL GOVERNMENT NOTICE**

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### **MUNICIPALITY OF NKONKOBE**

#### **BY-LAW RELATING TO ADVERTISING SIGNS**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act No. 32 of 2000], read with Section 162 of the Constitution of the Republic of South Africa Act, 1996 [Act No.108 of 1996], the By-law Relating to Advertising Signs.

#### **Purpose of By-law**

The purpose of this by-law is to promote the tidiness of the environment and the safety of residents, and to provide for procedures, methods and practices in terms of which the erection or attachment of advertising signs is regulated.

- 1 Definitions** - In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, and, unless the context otherwise indicates -

**'aerial sign'** shall mean any sign attached to a kite, balloon, aircraft or any other device whereby it is suspended in the air over any part of the area under the jurisdiction of the municipality;

**'clear height'** of a sign shall mean the vertical distance between the lowest edge of such sign and the natural or the finished level of the ground, footway or roadway immediately below such sign;

**'day'** means a calendar day, and shall include a Saturday, Sunday and any public holiday;

**'depth'** of a sign shall mean the vertical distance between the uppermost and lowest edges of such sign;

**'display of a sign'** shall include the erection of any structure if such structure is intended solely or primarily for the support of such sign, and the expression "to display a sign" shall have a corresponding meaning;

**'flashing sign'** shall mean any illuminated sign, the light emitted from which does not remain constant in all respects;

**'flat sign'** shall mean any sign which is attached to or painted directly on a main wall and which at no point projects more than 250 mm in front of the surface of such wall, but does not include a poster, provided, however, that a

poster attached to a main wall shall be deemed to be a flat sign if such poster is –

- (a) not less than 0,80 m<sup>2</sup> in area;
- (b) bordered by a permanent frame fixed to such main wall; and
- (c) maintained at all times in an un-mutilated and clean condition;

**'main wall'** of a building shall mean any external wall of such building, but shall not include a parapet wall, balustrade or railing of a verandah or a balcony;

**'municipality'** means the Municipality of Nkonkobe, established in terms of Section 12 of the Municipal Structures Act, 1998 [Act No. 117 of 1998], and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

**'new sign'** shall mean any sign first displayed after the promulgation of this by-law;

**'nuisance'** means, without limiting the generality of the term, an act, omission, condition or state of affairs that –

- (a) impedes, offends, endangers or inconveniences the public at large; or
- (b) causes material inconvenience in the ordinary and comfortable use or enjoyment of private property;

**'overall height'** of a sign shall mean the vertical distance between the uppermost edge of such sign and the level of the ground, footway or roadway immediately below such sign;

**'person'**, in relation to the display or alteration of, or addition to, a sign, shall include –

- (a) the person at whose instance such sign is displayed, altered or added to; or
- (b) the person whose goods, products, services, activities, property or premises is or are referred to in such sign;

**'poster'** shall mean any placard or similar device attached to some fixed object whereby any advertisement or notice is publicly displayed;

**'projecting sign'** shall mean any sign which is attached to a main wall and which at some point projects more than 250 mm in front of the surface of such wall;

**'public road'** means a road which the public has the right to use;

**'road'** means a public road, and includes, in addition to the roadway –

- (a) the land of which the road consists, or over which the road reserve in question extends;
- (b) anything on that land forming part of, connected with, or belonging to, the road; and
- (c) land acquired for the construction of a connection between a national road and another road;

**'running light'** means a 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;

**'sign'** shall mean any sign, signboard, screen, light, blind or other device by means whereof any advertisement or notice is publicly displayed;

**'sky sign'** shall mean any sign that is attached above the roof of a building other than a roof of a verandah or a balcony, and shall include any such sign consisting of a single line of free-standing, individual, cut-out, silhouette letters, symbols or emblems;

**'temporary'** means attached by means of paste or adhesive, and which does not exceed a continuous period of 30 (thirty) days;

**'thickness'** of a projecting sign shall mean the horizontal dimension of such sign measured parallel to the plane of the main wall to which such sign is attached.

## **2 Disfigurement**

- (a) No person shall by means of posters or other signs disfigure the front of any public road, wall, fence, land, rock, tree or other natural feature, or the front or roof of any building otherwise than is provided in this by-law, and any person who contravenes the provisions of this section shall be guilty of an offence.
- (b) The municipality may, subject to such conditions as it may deem fit, grant permission for the display of posters on special occasions, such as elections, public events, festivities, and similar occasions.

## **3 Submission and approval of application to display sign**

**[1]** Save as is provided in section 22[2], every person intending to display a new sign or to alter or to add to an existing sign [hereinafter referred to as the “applicant”] shall make written application to the municipality in terms of a prescribed form, submitting therewith plans drawn in accordance with the following requirements -

- (a)** The plans shall be –
  - (i) drawn in black ink on tracing linen or durable drawing paper, or generated by an appropriate computer programme on suitable white paper;
  - (ii) submitted in duplicate; and
  - (iii) dated and signed by the applicant or a duly authorised representative.
- (b)** Where the sign is to be attached to a building, the plans shall include –
  - (i) an elevation, a section of the façade and the roof of the building, where necessary, drawn to a scale of 1:100;
  - (ii) a depiction of the sign on the relevant item referred to in subsection (i), any other signs attached to such façade or roof and enough of the main architectural features of such façade or roof to show the position of the sign in relation to such other signs and features;
  - (iii) the location of the sign relative to the ground; and
  - (iv) the kerb line, where necessary.
- (c)** Where the sign is not to be attached to a building, the location of the sign relative to the ground level and, where necessary, the kerb line shall be shown on an elevation plan and section drawn to a scale of 1:100.
- (d)** Elevations, including full particulars of the subject matter as defined in section 6, plans and sections of the sign itself, as may be necessary to show whether it complies with this by-law, accurately drawn to a large enough scale [but not less than 1:50], shall also be included.
- (e)** The plans shall also depict full details of the structural supports of the sign, drawn to a scale of 1:20.
- (f)** The plans shall also include a site plan, drawn to a scale of 1:200, showing clearly and accurately the position of the sign and the building, if any, to which the sign is to be attached, in

relation to such of the boundaries of the erf as may be affected by such position, and giving the name of the abutting street, and the distance to and the name of the nearest intersection, and showing the direction of true north.

- (g)** The plans shall indicate –
- (i) the materials from which the sign is to be constructed;
  - (ii) the lettering;
  - (iii) the colours to be used;
  - (iv) whether or not the sign is to be illuminated;
  - (v) in the event that the sign is to be illuminated, whether or not the sign is a flashing sign; and
  - (vi) in the event that the sign is a flashing sign, full details of the frequency of the flashing, and variation of, or changes in appearance, of the flashing.

**[2]** Notwithstanding the provisions of subsection [1], it shall be lawful, subject to the provisions of section 6[1], to display any poster and replace such poster with another of the same size without the consent of the municipality if the aforesaid poster is –

- (a)** displayed at –
- (i) a cinema;
  - (ii) a theatre; or
  - (iii) any other place of public amusement;
- (b)** attached to a hoarding, the erection and use of which having been authorised by the municipality; or
- (c)** deemed to be a flat sign, as defined.

**[3]** The municipality shall, within 30 (thirty) days after receiving the form and plans referred to in subsection [1], specify to the applicant the provisions, if any, of this by-law, with which such form or plans do not comply, and the municipality shall, if it deems it necessary, return the form and plans to the applicant.

**[4]** Where the form and plans comply with this by-law, the municipality shall approve them, and shall forward one set of them to the applicant.

- [5]** Any approval granted in terms of subsection [4] shall become null and void if the sign has not been completed in accordance with the approved form and plans within 12 (twelve) months of the date of such approval.

#### **4 Existing signs to comply with this by-law**

- [1]** Every sign existing at the date of the promulgation of this by-law shall be made to comply therewith in all respects within a period of 1 (one) year from the date of such promulgation. Where any sign does not so comply after the said period of 1 (one) year, it shall forthwith be removed.
- [2]** Where any sign not complying with the provisions of this by-law has not been made to comply therewith within the aforementioned period of one year, or where any sign has been erected which is not in conformity therewith, the municipality may order the owner thereof to remove such sign. Should the owner not remove the sign, the municipality may remove it, and recover the cost from the person who erected the sign or permitted the erection thereof.
- [3]** Whenever, through change of ownership or occupancy, or change in the nature of the business, industry, trade or profession conducted on any premises, or through the erection of new traffic signal lights, or through an alteration in the level or position of any street, footway or kerb, or through any other cause whatsoever, a new sign ceases to comply with this by-law, such sign shall be forthwith removed, obliterated or altered by the person displaying such sign, so as to comply with this by-law.

#### **5 Enforcement**

- [1]** Any person who displays or attempts to display a new sign, or who alters or adds to an existing sign, without the prior approval of the municipality, as contemplated in terms of section 3, shall be guilty of an offence.
- [2]** Any such person shall, after receipt from the municipality of an order in writing, forthwith cease all work on the display of such new sign, or the alteration or addition to such existing sign, and any person who fails to comply with such order shall be guilty of an offence.
- [3]** Any person who, having obtained such approval, does anything in relation to any sign which is a departure from any form or plan approved by the municipality shall be guilty of an offence.
- [4]** Any such person shall, after receipt from the municipality of an order in writing, forthwith discontinue such departure, and any person who fails to comply with such order shall be guilty of an offence.
- [5]** Whether or not any order, as contemplated in subsections [2] and [4], has been served on a person, the municipality may serve upon such person an order in writing requiring the removal or obliteration of such sign, or discontinuation from departure from any form or plan approved by the municipality, as contemplated in subsection [3], and to complete

such removal or obliteration or discontinuation by a date to be specified in such order, which date may be extended by the municipality.

- [6]** Where any person displaying a sign contravenes any of the provisions of this by-law other than those relating to the matters referred to in subsections [1] and [3], the municipality may serve a notice in writing upon such person, citing the provisions contravened and specifying the steps to be taken in order that such provisions may be complied with.
- [7]** Any person who fails to comply with any order referred to in subsection [5] or with the terms of any notice referred to in subsection [6] shall be guilty of an offence and the municipality itself may give effect to such order or notice at the expense of such person.

## **6 Subject matter of signs**

- [1]** No sign on any premises shall contain any words, letters, figures, symbols or pictures [hereinafter called "subject matter"], unless every part of such subject matter falls into one or more of the following categories -
- (a)** the name, address and contact numbers of such premises or part thereof;
  - (b)** the name of the occupier of such premises or part thereof;
  - (c)** a general description of the type of trade, industry, business or profession lawfully conducted on such premises or part thereof by the occupier;
  - (d)** any information or recommendation concerning -
    - [i]** goods, not being samples, that are regularly and lawfully manufactured, kept or sold on such premises;
    - [ii]** any services that are regularly and lawfully rendered or offered on such premises; or
    - [iii]** any catering, entertainment, amusement, cultural, educational, recreational, social or similar facilities lawfully provided or made available on such premises, or any meeting, gathering or function lawfully held on such premises,

provided that this subsection shall not be construed as permitting any subject matter which, in the reasonable opinion of the municipality, is an evasion of or not in accordance with the intent of this subsection.



- [2]** Notwithstanding the provisions of subsection [1], in the case of any premises partly or wholly used for residential purposes, no sign other than the name of such premises shall be displayed, unless the premises is zoned for business purposes in terms of the municipality's town planning scheme.
- [3]** The provisions of this section shall not apply to any sign referred to in subsections (a), (b), (d), (f), (g), (h), (i), (j), (k), (o) or (p) of section 22(2).
- [4]** Where a sign is displayed by means of a device whereby a series of consecutive signs is displayed –
- (a)** the provisions of subsection [1] shall not apply to any such sign so displayed, subject to the following conditions –
- (i) no sign in such series, other than a sign permitted in terms of subsection [1], shall be displayed on any one occasion for a period longer than 20 (twenty) seconds;
  - (ii) the individual signs consecutively displayed within any particular 5 (five) minute period shall all be completely different from one another in so far as their subject matter is concerned;
  - (iii) where such device is capable of displaying news or of providing entertainment, it shall not be operated in any position or place where, in the reasonable opinion of the municipality, such operation will result in the congestion of vehicular or pedestrian traffic;
  - (vi) no such device shall be operated in any position or place where, in the reasonable opinion of the municipality, such operation will detract from the amenities of the neighbourhood, result in the depreciation of the value of properties or cause a nuisance; and
  - (v) no such sign shall have a clear height of less than 5 m.
- (b)** The municipality may order the removal of any sign where the display thereof is in contravention of subsection (a).
- [5]** Where the municipality, by written notice, orders any person to remove a sign, as contemplated in terms of subsection [4][b], such person shall forthwith cease to display the sign and shall remove the device by means whereof such sign is displayed by a date to be specified in the notice, which date may be extended by the municipality.

**[6]** Any person who fails to comply with any notice referred to in subsection [5] shall be guilty of an offence, and the municipality itself may give effect to such notice at the expense of such person.

## **7 Signs allowed on buildings**

The following signs and no others may be attached to or painted on buildings, provided that the municipality may prohibit the erection of certain or all of the undermentioned signs or the use of certain colours therein -

- (a)** flat signs;
- (b)** projecting signs;
- (c)** sky signs;
- (d)** signs attached to or painted on verandahs or balconies;
- (e)** signs painted on sun blinds attached to buildings; and
- (f)** any sign referred to in subsections (a), (b), (d), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o) and (p) of section 22(2).

## **8 Flat signs**

- (a)** Flat signs shall not exceed, in aggregate area,  $40 \text{ m}^2$ , or  $\frac{1}{4}$  (one-quarter) of the overall area of the main wall to which they are attached or on which they are painted, whichever of these figures is the lesser, provided that the municipality may fix a lesser aggregate area for any flat sign.
- (b)** No flat sign shall extend above the top of such main wall or beyond either end of such main wall.

## **9 Projecting signs**

**[1]** No part of any projecting sign shall project in front of the main wall to which such sign is attached to a greater extent than –

- (a)** 1,5 m, in the case of a sign which has a clear height of not less than 7,5 m; or
- (b)** 1 m, in the case of any other sign,

provided, however, that where such sign has a clear height of less than 5 m –

- [i]** any portion of such sign which is not more than 600 mm in depth may project as aforesaid to an extent of more than

1 m but not more than 1,5 m, provided that there shall be a clear vertical distance of not less than 3,6 m between any two successive portions, if any, so projecting; and

**[ii]** any such sign which is not more than 600 mm in depth may project as aforesaid to an extent of more than 1 m but not more than 1,5 m, provided that there shall be a clear vertical distance of not less than 3,6 m between any two such signs, if any, which are in the same vertical plane.

- [2]** No projecting sign shall extend above the top of the main wall to which it is attached.
- [3]** The depth of a projecting sign shall not exceed  $1\frac{1}{4}$  (one-and-a-quarter) times the clear height of such sign.
- [4]** A projecting sign shall not exceed 600 mm in thickness.

## **10 Sky-signs**

- [1]** The depth of a sky-sign shall not exceed  $\frac{1}{6}$  (one-sixth) of the clear height of such sky-sign.
- [2]** No sky-sign shall project in front of a main wall of a building so as to extend, in plan, beyond the roof of such building in any direction.
- [3]** The length of a sky-sign shall not exceed -
  - (a)** 14 m, if the depth of such sky-sign does not exceed 4,5 m; or
  - (b)** 18 m, if the depth of such sky-sign exceeds 4,5 m.
- [4]** Subject to the provisions of this subsection, the municipality may allow a sky-sign to extend in excess of 18 m in length whenever the street frontage of a site exceeds 55 m, provided that –
  - (a)** such sky-sign shall consist of a single line of free-standing and silhouette letters, symbols or emblems;
  - (b)** the length of such sky-sign shall not exceed  $\frac{1}{3}$  (one third) of the length of the road frontage of such site;
  - (c)** such sky-sign shall be erected parallel to the road frontage of such site; and
  - (d)** if, as a result of the road frontage of such site being reduced and such sky-sign consequently ceasing to comply with the provisions of this subsection, the owner of such site shall

forthwith remove such sky-sign or alter it, so as to comply with  
aforementioned provisions.

## **11 Signs on verandahs and balconies**

- [1]** The following signs and no others may be attached to or painted on verandahs and balconies -
- (a)** signs attached to or painted on a parapet wall, balustrade or railing of a verandah or a balcony;
  - (b)** signs attached to or painted on a beam or fascia of a verandah or a balcony; and
  - (c)** signs suspended below the roof of a verandah or the floor of a balcony.
- [2]** No sign attached to a parapet wall, balustrade or railing of a verandah or balcony shall exceed 1 m in depth, or project above or below or beyond either end of such parapet wall, balustrade or railing, or project more than 250 mm in front of such parapet wall, balustrade or railing.
- [3]** No sign attached to a beam or fascia of a verandah or balcony shall exceed 600 mm in depth, or project above or below or beyond either end of such beam or fascia, or project more than 250 mm in front of such beam or fascia. Where any such sign is attached to a beam which is at right angles to the building line and which is below the roof of a verandah or the floor of a balcony, such sign shall not exceed 1,8 m in length.
- [4]** No sign suspended below the roof of a verandah or the floor of a balcony shall exceed 1,8 m in length or 600 mm in depth. Every such sign shall be at right angles to the building line.
- [5]** Notwithstanding the foregoing, it shall be permissible to erect a sign on the roof of a verandah or balcony, subject to the following conditions -
- (a)** such sign shall be composed of a single line of free-standing and silhouette letters;
  - (b)** such sign shall lie in the vertical plane, passing through the foremost edge of such roof, being an edge parallel to the kerb line;
  - (c)** the subject matter of such sign shall be limited to that referred to in section 6[1]; and
  - (d)** the depth of such sign shall not exceed 600 mm.

- [6] Notwithstanding the provisions of section 17[1], it shall be permissible for a sign suspended below the roof of a verandah or the floor of a balcony to be bordered by a running light, provided that such running light border shall be not more than 75 mm in width.

## 12 Signs over footpaths and roads

- [1] Any sign projecting over a footpath abutting a road shall be not less than 2,4 m in clear height, provided that a flat sign in the form of a showcase for the display of goods may project not more than 50 mm over such footpath if such footpath is not less than 1,5 m wide, irrespective of the clear height of such showcase.
- [2] Any sign projecting more than 150 mm over any place where persons may walk, if such place is not a footpath abutting a road, shall be not less than 2,1 m in clear height.
- [3] No part of a sign projecting over a footpath abutting a road shall be nearer than 300 mm to a vertical plane through the kerb line of such footpath.
- [4] Where a public road has no footpath, signs may project over the kerb line of such road if such signs are not less than 6 m in clear height.
- [5] Nothing contained in this section shall be construed so as to detract from the requirements of the Advertising on Road and Ribbon Development Act, 1940 [Act No. 21 of 1940], the South African National Roads Agency Limited and National Roads Act, 1998 [Act No. 7 of 1998], and any regulations promulgated in terms thereof.

## 13 Prohibited signs

- [1] Notwithstanding anything contained in this by-law, the following types of sign are prohibited -
- (a) aerial signs and other signs not rigidly fixed, unless expressly permitted by the municipality in writing;
  - (b) posters, except -
    - [i] any poster referred to in section 3[2] of this by-law;
    - [ii] any poster comprising any such sign as is referred to in subsections (a), (b), (c), (d), (e), (f), (g), (j), (o) or (p) of section 22(2) of this by-law; and
  - (c) any sign which is so placed so as to obstruct, obscure, interfere with or otherwise be likely to detract from the effective working of any traffic sign.

[2] No person shall exhibit in any place to which the public has access or shall expose to public view any advertisement, placard, poster, engraving, picture, drawing, print or photograph of an offensive nature.

[3] Any person contravening the provisions of subsection [2] shall be guilty of an offence.

#### **14 Signs on walls, fences and hoardings**

[1] Subject to the provisions of section 22, no sign shall be attached to or painted on a wall (other than the wall of a building), fence or hoarding, unless such wall, fence or hoarding -

(a) serves to conceal the unsightly condition of an abutting property;  
or

(b) constitutes a temporary measure to protect the public from building, demolition or similar operations.

[2] In granting its approval in terms of section 3 for the attaching or painting of any sign contemplated by this section, the municipality may grant such approval for a limited period only, and the provisions of section 6 shall not apply to such sign.

[3] A sign attached or painted in terms of this section shall comply with the following requirements -

(a) no such sign shall exceed 3 m in depth or 4,2 m in overall height;  
and

(b) poster signs shall be enclosed by definite panels, which shall be uniform in size and level.

#### **15 Signs on poles and other structures**

[1] Subject to the provisions of section 22, no sign shall be attached to or painted on a pole or any other structure which is not a building, wall, fence or hoarding, unless –

(a) such sign is indispensable for the effective conduct of the activity in connection with which it is displayed; and

(b) either –

[i] it is impractical to display a sign effectively at the premises concerned except by attaching a sign to or painting a sign on a pole or other structure; or

- [ii] in the reasonable opinion of the municipality, a particular sign intended to be attached to or painted on a pole or other structure attached would not detract from the amenities of the neighbourhood or result in the depreciation of the value of properties to a greater extent than a sign capable of being displayed at the premises in conformity with any other section of this by-law.
- [2] Where, in the reasonable opinion of the municipality, serious difficulty is experienced by the public in finding the way to a factory in an industrial zone, the municipality may permit the erection of a signboard on a pole on a vacant erf in such zone for purposes of indicating the direction to such factory, subject to the following conditions -
  - (a) not more than one such signboard shall be erected on any one erf, provided that it shall be permissible to indicate the direction to more than one factory on any such signboard; and
  - (b) the subject matter of the signs on such signboard shall be limited to the names of the factories concerned, the names of their occupiers and essential directional information; and
  - (c) the lettering shall not exceed 100 mm in height.
- [3] The municipality may permit the erection of a signboard on a pole on a vacant erf in a township for the purposes of displaying thereon a map showing the street names and erf numbers of such township, together with the name and address of the owner of or agent for such township and the name of the township. Such signboard shall not exceed 3,6 m<sup>2</sup> in area and the lettering thereon shall not exceed 100 mm in height.
- [4] In granting its approval in terms of section 3 for the display of any sign referred to in subsections [1], [2] or [3], the municipality may grant such approval for a limited period only and upon the expiry of such period the person displaying such sign shall forthwith remove it.

## 16 Signs on vehicles and signs carried through the street

- [1] No person shall carry or cause to be carried in any public road any sign if such sign hinders or obstructs traffic or is likely to do so.
- [2] No person shall drive or cause to be driven on any public road any advertising van or other movable advertising device if such van or device hinders or obstructs traffic, or is likely to do so.
- [3] Any person who contravenes the provisions of subsections [1] or [2] shall be guilty of an offence.

## **17 Illuminated signs**

- [1] No flashing sign shall be less than 5 m in clear height, and no illuminated sign shall be displayed in such a position that it is or is likely to be a danger to traffic or could be confused with traffic signals.
- [2] No sign that is illuminated with such intensity as to create a nuisance shall be displayed.

## **18 Structural requirements**

- [1] Every sign –
  - (a) attached to a building or structure shall be rigidly attached thereto; and
  - (b) attached to the ground shall be rigidly attached thereto.
- [2] A sign, its supports and anchorages, and the building or structure to which it may be attached shall be of adequate strength to resist, with a safety factor of 4, the dead load of the sign and a superimposed horizontal wind pressure of 1.5 kPa.
- [3] All signs and supports thereof which are attached to brickwork or masonry shall be attached thereto by means of expansion bolts or by means of bolts passing through such brickwork or masonry and secured on the opposite side thereof. Such bolts shall be not less than 12 mm in diameter.
- [4] Every sign attached to a building or a wall shall be supported by at least 4 (four) independent supports so designed and disposed that any 2 (two) of such supports will safely support the sign with a safety factor of 2.
- [5] All exposed metalwork in a sign or its supports shall be painted or otherwise treated to prevent corrosion, and all timber in a sign or its supports shall be treated with creosote or other preservative to prevent decay.
- [6] Every person displaying a sign shall cause such sign and its supports to be maintained in a safe condition at all times, and any person who contravenes the provisions of this subsection shall be guilty of an offence.

## **19 Use of glass**

- (a) All glass used in signs shall be plate glass at least 5 mm in thickness.
- (b) The provisions of subsection (a) shall not apply to glass tubing used in illuminated signs.



## **20 Fire precautions**

Except as provided in section 22, all illuminated signs and supports thereof shall be of incombustible material, provided that the municipality may allow any sign approved in terms of sections 14 and 15 and any support for any such sign to be of combustible material.

## **21 Electrical requirements**

- (a)** No sign shall be illuminated except by electricity from the municipality's mains, where such supply is available.
- (b)** Every sign in respect of which electric current is used shall be provided with an external switch in a position to be determined by the municipality, whereby the electricity supply to such sign may be switched off.

## **22 Exemptions**

- [1]** The provisions of this by-law shall not apply to any sign inside a building, except illuminated signs in shop windows.
- [2]** There shall be exempted from the provisions of sections 3, 14, 15 and 20 any sign that falls into one or other of the following categories -
  - (a)** any sign displayed by the municipality or by any passenger transport business and attached to a street pole with the written permission of the municipality;
  - (b)** any sign inside a shop window;
  - (c)** any advertisement appearing in a newspaper or magazine and any poster displayed in connection therewith;
  - (d)** any sign temporarily displayed on the occasion of -
    - [i]** elections, public events, festivities and similar occasions; or
    - [ii]** any other public function or occasion to which the municipality may apply the provisions of this subsection;
  - (e)** any sign displayed on any vehicle operated upon a public road;
  - (f)** any un-illuminated sign not projecting over a public road and not exceeding 0,60 m<sup>2</sup> in area, indicating that the premises to which it is attached are to be sold on a specified date or that a sale of furniture or household goods is to take place therein on a specified date, provided that only 1 (one) such sign is displayed

on any public road frontage of such premises and that it is removed within 7 (seven) days after the aforesaid specified date;

- (g)** any un-illuminated sign not projecting over a public road and not exceeding 0,20 m<sup>2</sup> in area, indicating that the premises to which it is attached are for sale or to let, provided that only 1 (one) such sign is displayed on any public road frontage of such premises;
- (h)** any un-illuminated sign not projecting over a public road and not exceeding 1,2 m in area, comprising the name, address and contact numbers of the owner or occupier of any residential building or premises, provided that only 1 (one) such sign is displayed on any public road frontage of such premises;
- (i)** any un-illuminated sign not projecting over a public road and not exceeding 0,20 m<sup>2</sup> in area, indicating the types of trade, business, industry or profession lawfully conducted by any occupant of the premises to which it is attached, the name of such occupant, the contact numbers of such premises and the hours of attendance, provided that only 1 (one) such sign is displayed by any occupant on any public road frontage of such premises;
- (j)** any un-illuminated sign not projecting over a public road and not exceeding 0,60 m<sup>2</sup> in area, advertising a function or event to be conducted on a specified date on the premises to which it is attached, provided that -

  - (i)** such function or event is not conducted for the private gain of any individual;
  - (ii)** such date is not more than 1 (one) month after the date when such sign is first displayed;
  - (iii)** only 1 (one) such sign is displayed on any public road frontage of such premises; and
  - (iv)** the sign is removed within 7 (seven) days after the aforesaid date;
- (k)** any un-illuminated sign not projecting over a public road, which serves only as a warning, or indication of direction in relation to the premises to which such sign is attached, and which is no larger or higher than is reasonably necessary for such purpose;
- (l)** any sign painted directly on or forming part of the permanent fabric of the wall of a building;

- (m) any sign painted on or otherwise attached to the glass of any window;
- (n) any sign painted directly on a verandah or balcony, provided that it complies with section 11;
- (o) any sign required to be displayed by law; and
- (p) any sign displayed at premises on which building operations are taking place, provided that such sign shall be removed forthwith when the aforesaid building operations have ceased.

## **23 Savings**

Nothing contained in this by-law shall be construed as affecting in any way the rights or duties of the municipality as the entity in which is lawfully vested the ownership of or the control over any public road, building or premises within its area of jurisdiction.

## **24 Waiver of provisions**

- [a]** The municipality may waive compliance with or relax the provisions of this by-law, provided that any person whose rights are adversely affected by such waiver or relaxation shall not be bound thereby.
- (b)** In each case in which such waiver or relaxation has been granted to any person, the municipality shall serve a written notice upon such person, citing the relevant provision waived or relaxed and the extent to which such provision has been waived. In addition, the municipality shall keep a record containing an identical copy of such notice, which record shall be available for public inspection.

## **25 Offences and penalties**

Any person who contravenes, or fails to comply with, any provision of this by-law shall be guilty of an offence, and liable, upon conviction, to -

- [a]** a fine not exceeding R60 000, or imprisonment for a period of no more than 12 (twelve) months, or either such fine or such imprisonment, or both such fine and such imprisonment;
- [b]** in the case of a continuing offence, an additional fine of R600, or an additional period of imprisonment of 1 (one) day, or either such additional fine or such additional imprisonment, or both such additional fine and imprisonment, for each day on which such offence is continued; and
- [c]** a further amount equal to any costs and expenses found by a court to have been incurred by the municipality as a result of such contravention or failure.

## **26 Regulations**

The municipality may make regulations not inconsistent with this by-law, prescribing –

- (a)** any matter that may or must be prescribed in terms of this by-law; and
- (b)** any matter that may facilitate the application of this by-law.

## **27 Repeal of by-laws**

Any by-law relating to advertising signs adopted by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

## **28 Short title**

This by-law is called the By-law Relating to Advertising Signs, 2004, and takes effect on the date determined by the municipality by proclamation in the Provincial Gazette.