

The Umzimkhulu Municipal Council, acting under the authority of section 11, read in conjunction with section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes its Advertising Signs Bylaws.

## **ADVERTISING SIGNS BYLAWS**

### **Definitions**

1. In this Bylaw, unless the context otherwise indicates

“advertisement” means any visible representation of a word, name, object or of an abbreviation of a word or name, or of any sign or symbol which is not intended solely for illumination or as a warning against any danger;

“authorised official” means any official of the Council who has been authorised by the Council to administer, implement, and enforce the provisions of these bylaws;

“building control officer” means any person appointed or deemed to be appointed a building control officer by the Council in terms of section 5 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);

“Council” means the Umzimkhulu Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

“curtilage” means the whole of the area of ground within the boundaries of a lot or lots, or subdivision forming the site of any building or proposed building;

“display” in relation to an advertisement, means to display the advertisement within public view;

“flat sign” means any sign-board affixed to a wall and which at no point projects more than 230 mm from the surface of the wall;

“ground sign-board” means any sign detached from a building and affixed to the ground;

“projecting sign-board” means any sign-board affixed to a wall and which at any point projects more than 230 mm from the surface of the wall;

“roof” means any roof of a building but does not include that portion of a roof which is the roof of a verandah or balcony;

“sign-board” means any sign-board, structure or device whatever, used or intended or adapted for the display thereon of an advertisement;

“sky sign-board” means any sign-board on a roof or any sign-board on the top of a parapet of a roof;

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

### **Application of regulations**

2. (1) Subject to the provisions of sub-section (2), this Bylaw shall be applicable in respect of all advertisements displayed or to be displayed within the area of jurisdiction of the Council.
- (2) The following categories of advertisements shall, subject to sub-section 3(3), be exempted from the provisions of this Bylaw:
  - (a) an advertisement displayed within the curtilage of any premises during the course of building operations (including plumbing, electrical wiring, painting and renovations) on such premises commonly referred to as "builders' boards" or "contractors' boards".
  - (b) An advertisement relating to the immediate sale of newspaper within the public road; provided the advertisement does not obstruct vehicular or pedestrian traffic or the lines of sight of drivers or pedestrians using the road in which the advertisement is erected or using any adjacent or adjoining road.
  - (c) An advertisement required to be displayed by law.
  - (d) An advertisement displayed on any vehicle which is being used on a public road; provided that the main purpose for which that vehicle is being so used is not to display such advertisement.
  - (e) An advertisement affixed flat to or painted on any part of any building other than a dwelling-house which merely indicates the name or address of such building or the occupier or owner thereof, with or without a general description of the type of business lawfully carried on in such building, the hours of attendance or business and the telephone number of such business; provided that such advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m<sup>2</sup> in the area and does not project more than 100 mm from the surface to which it is affixed.
  - (f) An advertisement displayed within the curtilage of any dwelling-house which merely indicates the name or address of that dwelling-house or the occupier thereof; provided that such advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m<sup>2</sup> in area.
  - (g) An advertisement displayed within the curtilage of any premises (which is designed solely for the direction of, or the conveyance of a request or warning to, any person entering upon such premises); provided that such advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m<sup>2</sup> in area.
  - (h) An advertisement displayed within the curtilage of any immovable property advertising the sale or lease of such property, or the fact that such property has been sold; provided that such advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m<sup>2</sup> in area.
  - (i) An advertisement displayed from the interior of any building enclosed by walls, windows and doors.
- (3) The provisions of this Bylaw shall be in addition to and not in substitution for any provision of the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of

1940).

### Temporary and portable advertisements

3. (1) Any advertisement -
- (a) intended to be displayed solely for or in connection with a particular occasion, function, sale or event, including an election or referendum;  
or
  - (b) displayed on any sign-board intended or adapted to be carried or conveyed,
- shall only be displayed with the prior written consent of the authorised official and subject to such conditions as he may impose.
- (2) Any such advertisements, including any sign-board on which it is displayed, shall not exceed 0,8 m<sup>2</sup> in area.
- (3) No advertisement advertising a particular occasion, function, sale or event other than an election or referendum, irrespective of whether such advertisement is exempted under section 2(2) or not, shall be displayed for longer than 14 days before the day on which it begins or longer than three days after the day on which it ends; provided that an advertisement advertising the fact that immovable property has been sold may be displayed for a maximum period of 14 days.
- (4) No election or referendum advertisements shall be displayed for longer than the period extending from the beginning of the day of nomination/referendum to the end of the third day after the day of the election or expiry date of the referendum.
- In respect of each candidate not more than 200 election advertisements or copies of an election advertisement shall be displayed in terms of locations and conditions prescribed by the authorised official.
- (5) Any cloth, paper, papier-mache or other similar material which may be used for the display of the advertisement shall be securely fixed to a portable board.
- (6) Every application for permission in terms of sub-section (1) shall be accompanied by the deposit, prescribed by the Council, which in the case of election advertisements shall be R80.00 in respect of each candidate in each ward or constituency as the case may be, and in the case referendum and other advertisements shall be R40.00 for every 50 copies or part thereof displayed.
- (7) A deposit paid in terms of sub-section (6) shall, subject to the provisions of sub-section (8), be refunded when all advertisements to which it relates have been removed to the satisfaction of the authorised official.
- (8) Any person who, having displayed or caused to be displayed any advertisement in respect of which approval has been given under sub-section (1), fails to remove it or cause it to be removed within the relevant period regulations (3) or (4), shall be guilty of an offence and the authorised official shall be entitled to remove any such advertisement and deduct from any deposit made in terms of sub-section (6) the sum of R50.00 in respect of each and every advertisement so removed;

provided that if the amount is arrived at by multiplying the number of advertisements so removed by the sum of R10.00 exceeds the amount of any deposit made in terms of sub-section (6), the Council shall be entitled to recover such excess amount from such person and such amount shall be a civil debt due to the Council; provided further that when any advertisement is so removed in terms of these regulations the Council shall be entitled to destroy any such advertisement without giving notice to anyone, after a period of 14 days from the date of such removal.

- (9) Any person who displays or causes, permits or suffers to be displayed any advertisement referred to in sub-section (1) and any person, other than a police officer or other person charged with the enforcement of these regulations, who is authorised by the person responsible for the display of the advertisement to remove it shall be deemed to be the displayer thereof so long as it is displayed.
- (10) In any legal proceedings relating to an advertisement displayed either in accordance with or in contravention of any provision of this regulation, it shall be presumed that such advertisement was displayed by the person or persons, club or other body of persons sponsoring, promoting or organising or in control of the meeting, function or event to which it relates or by the candidate to whom an election advertisement relates or that any such person, club or body caused or permitted such advertisement to be displayed, as the case may be, until it is proved to the contrary.
- (11) The authorised official shall be entitled, without giving notice to anyone, to remove or to cause to be removed any advertisement displayed without his permission in terms of sub-section (1) or in contravention of any provision of these regulations or which constitutes in any respect a contravention of these regulations and the person who displayed any such advertisement or caused or permitted it to be displayed or is deemed under sub-section (9) or (10) to have done so shall be liable to pay to the Council the sum of R50.00 in respect of each advertisement removed by the authorised official.
- (12) No person shall place or cause to be placed upon any public road any advertisement advertising the sale or lease of immovable property or the fact that such property has been sold; provided that this prohibition shall not apply in respect of any such advertisement -
  - (a) which is erected on a Saturday, Sunday or public holiday for the duration of such Saturday, Sunday or public holiday, or for two or more such succeeding days:
  - (b) including any sign-board on which it is displayed, which does not exceed 0,8 m<sup>2</sup> in area:
  - (c) which gives directions to and advertises what is commonly known as a show house;
  - (d) which does not obstruct vehicular or pedestrian traffic or the lines of sight of drivers or pedestrians using the road in which the advertisement is erected or using any adjacent or adjoining road; and
  - (e) which is not displayed on a sign-board which is driven into or buried in the ground.

### **Display of permanent advertisements prohibited**

4. No person shall display or cause to be displayed any permanent advertisement, in the area of jurisdiction of the Council unless any such advertisement was approved in writing by the Council and is displayed in accordance with this Bylaw.

### **Application for display of permanent advertisements**

5.
  - (1) Any person intending to erect, alter or display any permanent advertisement for which the prior written permission of the Council is required, shall apply for such permission to the Chief Town Planner on the prescribed application form (Schedule 2). Such form shall be signed by the applicant and by the owner (if he is not also the applicant) of the site upon which such advertisement is or is to be located.
  - (2) An application referred to in sub-section (1) shall be accompanied by -
    - (a) full specification showing the dimensions of such sign, its location or proposed location on a building or other supporting structure, the materials of construction, the name and address of the manufacturer, and where applicable, the number of electric lights and electrical details in regard thereto;
    - (b) a drawing on durable paper indicating the position of such sign on the site at a scale of not less than 1: 50, showing the full text, the colour of the material, the construction, the overall dimensions and the method of attachment, suspension or support and, if required by the Chief Town Planner, the applicant shall furnish such additional particulars in connection with the application as may be required;
    - (c) in the case of ground signs, information in regard to all calculations upon which such size is based;
    - (d) an application fee of R30.00.
  - (3) The Council may refuse or grant such application subject to such conditions (not inconsistent with the regulations) as it may think proper, including the payment of a rental where the proposed sign is included in the framework provided by the Council.

### **Consideration of application of display of permanent advertisements**

6.
  - (1) The Council may grant on such conditions as it may determine, or refuse an application referred to in section 5, but the Council shall not grant an application if it is of the opinion that, having regard to the design, colour or other characteristics of the advertisement in question, its proposed position in relation to the building or premises upon or in which it is to be displayed and neighbouring properties, such advertisement will detract from or disfigure the appearance of the building or premises concerned or neighbouring properties, or otherwise be unsightly.

### **Sign-boards affixed to buildings**

7. (1) The following sign-boards and no others may, subject to the provisions of this Bylaw, be affixed to buildings:
  1. Flat sign-boards,
  2. Projecting sign-boards, and
  3. Sky sign-boards
- (2) No flat sign-board shall -
  - (a) extend above the top or beyond either side of the wall to which it is affixed;
  - (b) project in any part more than 100 mm from the wall to which it is affixed;
  - (c) exceed 15% of the height of the building to the eaves or 15% of the area of the wall to which it is affixed.
- (3) No projecting sign-board shall -
  - (a) be affixed otherwise than at right angles to the road line;
  - (b) be affixed at a clear height of less than 2,5 m;
  - (c) exceed 225 mm in thickness;
  - (d) extend beyond the top of the wall to which it is affixed;
  - (e) project in any part more than 1,5 m from the wall to which it is affixed;
  - (f) extend over or nearer than 1,2 m to any overhead electricity wires or cables;
  - (g) be affixed otherwise than in a vertical plane.

### **Advertisement painted on buildings**

8. (1) The following advertisements and no others may, subject to the provisions of this Bylaw, be painted on buildings;
  - (a) Advertisements painted on the walls of buildings.
  - (b) Advertisements painted on the roofs of buildings used in connection with industry or a manufacturing process.
- (2) No advertisement painted on a wall of a building shall exceed 15% of the height of the building to the eaves or 15% of the area of the wall on which it is painted.
- (3) An advertisement painted on the roof of a building shall contain only the name (or abbreviation thereof) of the person, firm, company, society or association occupying such building.

### **Ground Sign-boards**

9. (1) Ground sign-boards on poles, standards or pylons and no others may, subject to the provisions of this Bylaw, be erected upon any premises.
- (2) Every ground sign-board shall -
- (a) be supported by poles or standards or pylons the bases of which are firmly embedded and fixed in the ground and which are entirely self-supporting, rigid and inflexible;
  - (b) not exceed 2 m x 0,3 m (300 mm) except as provided for in sub-section (3) below;
  - (c) if no part extend or project beyond the road line;
  - (d) not exceed 6,5m in height and may be permitted at ground level,
- (3) Ground signs may be permitted to a maximum length of 6 metres and a maximum height of 3 metres provided the sign is not likely to cause injury to the amenity of the neighbourhood and the approval of the Board has been obtained.
- (4) Any person who intends to erect a sign other than within the boundaries of the property to which it refers shall require the approval of the Chief Engineer and shall pay an annual charge as laid out in the Schedule of Fees.

### **Flashing advertisements**

10. The Council shall only approve flashing or animated illuminated advertisements if it is of the opinion that, having regard to the proposed position and characteristic of the advertisement, the display of the advertisement will not be likely to distract or disturb persons using any public road or to create conditions contemplated in section 11(2).

### **General prohibitions relating to advertisements**

11. (1) No person shall display any advertisement so as to obstruct any fire escape or the means of egress to a fire escape or to obstruct or interfere with any window or opening required for ventilation purposes.
- (2) No person shall display any advertisement -
- (a) in a position which obscures, obstructs or otherwise interferes with any road traffic sign or is likely to obscure, obstruct or otherwise interfere so;
  - (b) which is illuminated and contains the colours, red, green or amber or any one or more of such colours, unless such sign has a clear height of 6 m or unless such sign is more than 15 m (measured horizontally) from the vertical line of the road line at the corner of a public road;
  - (c) which is of such intense illumination so as to disturb the residents or occupants of adjacent or nearby residential buildings.
- 11.A. (a) Directional signs may not be erected on road reserves other than on directional signboard frames erected by the local authority, and on payment of the fees specified in the Schedule of Fees, Such directional signs shall be either 2m long and 0,3 (300 mm) high or 1 m long and 0,3m (300 mm) high and be constructed to the satisfaction of the Chief Engineer.

- (b) A directional signboard frame shall not exceed 4m in height from ground level save with the express approval of the Council in writing.

### **Constructional requirements for sign-boards**

- 11. (1) Every sign-board shall be neatly and properly constructed and finished in a workmanlike manner to the satisfaction of the building control officer.
- (2) (a) Every sign-board attached to a building (or wall) shall be rigidly and securely attached thereto so that it is safe and that movement in any direction is prevented.  
(b) The method of attachment shall be such that it is capable of effectively securing, supporting and maintaining not less than twice the mass of the sign-board in question with the addition of any force to which the sign may be subjected.  
(c) The use of nails or staples for the purpose of the anchorage and support of a sign-board is prohibited.
- (3) Every projecting sign-board shall, unless the building control officer otherwise approves, have not less than four supports -
  - (a) which shall be of metal;
  - (b) any two of which shall be capable of supporting the mass of the sign-board;
  - (c) the designed strength of which acting together shall be calculated on a mass equal to twice the mass of the sign-board with a superimposed horizontal wind pressure of 1,5 kPa;
  - (d) which shall be neatly constructed as an integral part of the design of the sign-board or otherwise concealed from view.
- (4) (a) All sign-boards which are attached to brickwork, masonry or concrete shall be securely and effectively attached thereto by means of bolts securely embedded in such brickwork, masonry or concrete or passing through the same and secured on the opposite side.  
(b) Such bolts shall be of such a size and strength as will ensure effective compliance with sub-section (2) or (3).
- (5) Every illuminated sign-board and every sign-board in which electricity is used shall -
  - (a) be constructed of a material which is not combustible;
  - (b) be provided with an external switch in an accessible position approved by the building control officer whereby the electricity supply to such sign-board may be switched off;
  - (c) be wired and constructed to the satisfaction of the building control officer.
- (6) All exposed metalwork of a sign-board shall be painted or otherwise treated to prevent decay and insect attack and thereafter painted.
- (7) No permanent sign-board shall be constructed in whole or in part of cloth, glass, canvas, cardboard, paper or like materials.

### **Maintenance of permanent advertisements**

13. The person having possession or control of any permanent advertisement shall, while such advertisement is displayed, at all times maintain such advertisement, including any sign-board on which it is displayed, in good repair and safe condition.

#### **Alterations of and additions to permanent advertisements**

14. (1) No person shall alter or add to any permanent advertisement, including any sign-board on which it is displayed, without the prior written approval of the Council.
- (2) Any person having possession or control of a permanent advertisement and who desires to alter or add to it shall apply to the Council in writing for its approval.
- (3) An application referred to in sub-section (2) shall specify the nature and extent of the proposed alteration or addition.
- (4) A person who has applied in terms of sub-section (2) for the Council's approval shall furnish such additional particulars in connection with his application as the Council may require.

#### **Removal of permanent advertisements**

- 15 (1) When there is being displayed a permanent advertisement -
- (a) for which no approval was granted under section 4; or
- (b) which does not conform to the specifications or conditions prescribed in any approval granted thereafter or in any section applicable thereto or which is being displayed in a manner or place or in circumstances other than those prescribed in any such authority or regulation,
- the Council may, by notice in writing, direct the person having possession or control of the advertisement to remove it or to effect such alterations as may be prescribed in the notice, and to effect such removal or alteration within such period (which shall be not less than fourteen days as from the date on which the notice was given) as may be specified in the notice : Provided that the Council shall not, within a period of three months as from the date of publication of this Bylaw, give any such direction in regard to an advertisement which was being displayed on the last mentioned date and has thereafter been displayed continuously in the same place.
- (2) If a person to whom a notice has been given in terms of subsection (1) fails to comply with a direction contained in that notice within the period therein specified, the Council may, at any time after the expiration of that period, through the agency of any person authorised thereto by the Council, enter upon the land upon which the advertisement to which the notice relates, is being displayed and remove the advertisement or effect the alterations prescribed in the notice.
- (3) The Council may recover the expenses which it incurred by any action taken under subsection (2) from any person to whom the notice in question was given, unless he proves -
- (a) that he did not, at the time when he received the notice, nor at any time

thereafter, display the advertisement; or

- (b) that he did take any active part in displaying the advertisement and did not grant any person permission to display it and did not receive any valuable consideration in connection with the displaying of the advertisement, and that he does not manufacture an article or own, control or manage a business or undertaking to which the advertisement relates.

**Delegation of Council's powers**

- 16 (1) The Council may by resolution delegate to the building control officer, any power conferred upon it by this Bylaw on such conditions as the Council may determine.
- (2) Any delegation under sub-section (1) shall not prevent the exercise of the relevant power by the Council itself.

**SCHEDULE I**

**Schedule of fees**

- 1. The attachment of any advertisement or sign to a supporting framework provided by the Council shall be subject to the payment to the Council on an annual basis, of the following charges:

Size of sign	Annual fee
2 m x 300 mm (0,6 m <sup>2</sup> )	Nil
1 m x 300 mm (0,3 m <sup>2</sup> )	Nil

- 2. Any advertisement or sign which is to be erected other than within the boundaries of the property to which it refers or on a supporting framework provided by the Council shall be subject to the payment to the Council, on an annual basis, of the following charges

Size of sign	Annual fee
Up to 0,8 m <sup>2</sup>	R.....
Over 0,8 m <sup>2</sup> and up to 3 m <sup>2</sup>	R..... per m <sup>2</sup>
Over 3 m <sup>2</sup> and up to 18 m <sup>2</sup>	R..... per m <sup>2</sup>

**SCHEDULE 2**

I, the undersigned.....apply for permission to erect and display a sign on/near Lot..... in full accordance with the specifications below and the attached drawings, and the provisions of the Council's regulations relating to advertising and tender an application fee of .....

**Particulars of sign**

- 1. The sign is manufactured of .....
- 2. The sign is SINGLE/DOUBLE-faced (delete incorrect)

3. Type of sign GROUND/WALL/PROJECTING/VERANDAH/SKY
4. Measurements
  - (a) Total height above ground level .....
  - (b) Min. clearance above ground level .....
  - (c) Length ..... m
  - (d) Width ..... m
5. Projecting from building ..... mm
6. Colour of
  - (a) Background .....
  - (b) Lettering .....
7. Position on premises (describe).....  
.....
8. Sky signs
  - (a) Number of storeys .....
  - (b) Total height of building .....
9. State how sign is to be secured, type of supports, anchorage, bolts, etc  
.....
10. Attach please a sketch of the proposed sign along with a photograph indicating by means of a black outline the position of the position of the proposed sign.

I undertake to maintain the sign, fittings and supports in a safe condition and in proper repair and indemnify the Council against any and all claims whatsoever that may arise as a result of, or in connection with, the erection and/or display of the sign.

Dated at ..... this .....day of..... 20.....

.....  
Signature of Applicant

Witnesses

Address

- |    |       |       |
|----|-------|-------|
| 1. | ..... | ..... |
| 2. | ..... | ..... |

I, the undersigned .....  
owner of the premises referred to above, consent to the erection of the abovementioned sign on the terms and conditions set forth above.

Dated at .....this ..... day of..... 20.....

.....  
Signature of owner of premises

I, the undersigned ..... owner of the sign referred to above, acknowledge that I have read the foregoing conditions and agree to abide by them in so far as they affect me or my company.

Dated at ..... this ..... day of.....20.....

.....  
Signature of owner of sign