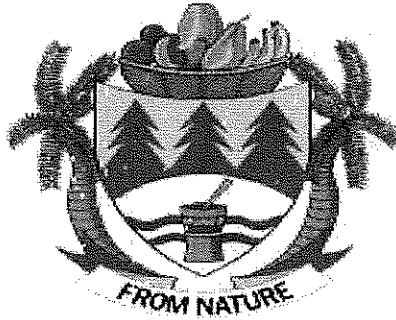
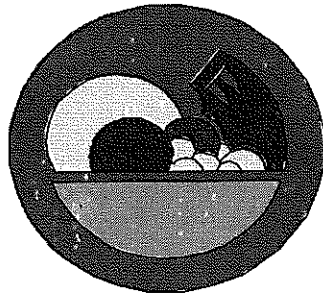


LOCAL AUTHORITY NOTICE 161 OF 2019



**CONTROL OF OUTDOOR  
ADVERTISING AND  
SIGNAGE  
BY-LAWS**



# Greater Tzaneen Municipality

## CONTROL OF OUT DOOR ADVERTISEMENT AND SIGNAGE BY-LAW

The Municipal Manager of Greater Tzaneen Local Municipality hereby, in terms of Section 13 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) read together with section 156 (2) & 162 of the Constitution of the Republic of South Africa, publishes the Control of Outdoor Advertising & Signage By-law for Greater Tzaneen Local Municipality, as approved by its Council, as set out hereunder

### TABLE OF CONTENT

1. Definitions
2. Application for Council's approval for Billboards and advertisement
3. Withdrawals or amendment of Council's approval
4. Exempt signs
5. Prohibited signs
6. Signs suspended under verandahs or canopies
7. Signs on verandahs and canopies over street

8. Projecting signs
9. Signs indicating the development of a township or property
10. Signs flat on buildings
11. Signs on buildings used for residential purposes
12. Signs on awnings
13. Signs not to be fixed to verandah columns
14. Advertisement on banners or similar items
15. Painted advertisements
16. Temporary signs and advertising
17. Signs on and over streets
18. Billboards
19. Transit signs
20. Posters
21. Fixing of signs and hoardings
22. Power cables and conduits to signs
23. Erection and maintenance of advertising signs and hoardings
24. National buildings regulations
25. Charges
26. Damage to council property
27. Entry and inspection
28. Removal of advertising signs or hoardings
29. Serving of notices
30. Hearing
31. Appeals
32. Offence
33. Repeal of laws
34. Short title and Commencement

## 1. Definitions

In these by-law, unless the context otherwise indicates:

**"advertisement"** means any representation by a word, or abbreviation thereof, letter, logo, symbol, sign, figure, painting, drawing or other pictorial representation, or light, displayed in or in view of any public place, local, provincial or national road within the jurisdiction of the municipality for the purpose of drawing the attention of the public to or promoting any product, service, business or commercial enterprise, trade, person, election or candidature in an election, voter registration, entertainment, function, meeting or other event, aspects relating to security and news headlines;

**"advertising sign"** means a screen, fence, wall or any other object, structure or device, freestanding or attached to any wall or structure, in a fixed position intended to be used or used for the purpose of displaying any advertisement and any object, structure or device which is in itself an advertisement, in or in view of a public place, local, provincial or national road and includes an advertising hoarding and billboard and in so far as any provision of these by-laws relating to an advertising sign is practically capable of being applied to an advertisement, includes an advertisement other than an advertisement displayed on an advertising sign and a poster;

**"advertising"** means the act or process of displaying an advertisement;

**"approved"** means approved in writing by the Council and "written approval" has a corresponding meaning;

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

**"authorised official"** means any official of the municipality who has been authorised to implement and enforce the provisions of these by-laws;

**"banner"** means a piece of cloth or similar material on which an advertisement is displayed in such a manner that it is legible in windless conditions and is attached to one or more ropes, poles or a flagstaff that projects vertically, horizontally or at any angle from the building or structure to which it is attached or is attached to a building or other structure, but excludes a banner carried as part of a procession;

**"building schedule"** means a development programme for the construction or renovation of a building or structure specifying the different phases of the development or renovation and the type of construction prepared by a person undertaking the activities concerned;

**"clear height"** means the vertical distance between the lowest edge of an advertising sign and the level of the ground, footway or roadway immediately below such sign;

“**combination sign**” means a single freestanding structure specially designed to accommodate and display more than one advertising sign for a location such as a roadside service area, shopping centre, office park, industrial park and other urban complexes;

“**council**” means Greater Tzaneen Local Municipality municipal council;

“**directional sign**” means an advertising sign indicating or directing the attention of the public to a place, undertaking or activity for the purpose of advertising it;

“**display**” means the display of an advertisement;

“**dwelling house**” means one dwelling unit forming a single building;

“**dwelling unit**” means an interconnected suite of rooms designed for occupation by a single family, irrespective of whether the dwelling unit is a single building or forms part of a building containing two or more dwelling units;

“**elections**” means a national, local government elections and any by-elections;

“**electronic advertising sign**” means an advertising sign, which has an electronically or digitally controlled, or both an electronically and digitally controlled, illuminated display surface, which allows for different advertisements to be shown, changed, animated or illuminated in different ways and at different intervals on one such sign;

“**registered person**” means a person registered with the Engineering Council of South Africa as a professional engineer or professional engineering technologist, professional certified engineer or professional engineering technician under the Engineering Profession Act, 2000, (Act No. 46 of 2000);

“**event**” means an occasion organised for the general public;

“**façade**” means the principal front of a building;

“**flag**” means a piece of cloth or similar material upon which an advertisement is displayed and which is attached to a single rope, pole or flagstaff projecting vertically in such a way that its contents are normally not legible in windless conditions but excludes –

- (a) a national flag which does not carry any advertisement in addition to the design of the flag or flagstaff;
- (b) a flag carried as part of a procession; and
- (c) a flag which is not displayed on a flagstaff.

“**gantry**” means a freestanding advertising sign that extends over, or suspends across a public street erected for the sole purpose of displaying an advertisement ;

“**interested party**” means any person who has in terms of these by-laws submitted an application or submitted comments or an objection or made representations in respect of any such application;

**"intersection"** means that area embraced within the prolongation of the lateral boundary lines of two or more public streets, open to vehicular traffic, that join one another at any angle, whether or not one such public road crosses the other;

**"National Building Regulations and Building Standards Act"** means the National Building Regulations and Building Standards Act, 1977, (Act No. 103 of 1977), and any regulations made there under;

**"National Environmental Management Act"** means the National Environmental Management Act, 1998 (Act No. 107 of 1998) and any regulations made there under;

**"National Road Traffic Act"** means the National Road Traffic Act, 1996 (Act No. 93 of 1996), and any regulations made there under;

**"outdoor advertising"** means the display of any advertisement in or in view of any public place, local, provincial or national road within the jurisdiction of the municipality;

**"owner"** means, in relation to –

- (a) property, the person registered as the owner or holder thereof and includes the trustee in an insolvent estate, the liquidator of a company or a close corporation which is an owner and the executor of any owner who has died or the representative recognised by law of any owner who is a minor or of unsound mind or is otherwise under disability, provided such trustee, liquidator, executor or legal representative is acting within the authority conferred on him or her by law; and
- (b) an advertising sign or advertisement, the person who owns such sign or advertisement and any person who has a right to, or share in, the ownership of such sign or advertisement;

**"poster"** means any placard displaying an advertisement attracting public attention to any event or activity for which a poster may be approved as contemplated in this by-law;

**"prescribed"** means prescribed by the Council;

**"property"** means any unit of land, including a public place, registered as a separate entity of land in the Deeds Office and includes any unit and land contemplated in the Sectional Titles Act, 1986 (Act No. 95 of 1986) and any public place depicted on the general plan of a township;

**"public place"** means a public street, bridge, subway, a square, open space, garden and any other enclosed space to which the public has a right of access or which is commonly used by the public and which is vested in the municipality in terms of any law;

**"public street"** means a road, street or thoroughfare or other right of way to which the public has a right of access or which is commonly used by the public;

**"residential building"** means a building, other than a dwelling house and dwelling unit, designed for use or used for human habitation and includes a guest house, boarding house, hotel, residential club and hostel;

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

**"roadway"** means that portion of a public street which is improved, constructed or intended for vehicular traffic;

**"road reserve"** means the full width of a public street including the roadway, shoulder and sidewalk and the air space above a roadway, shoulder and sidewalk and any other area within the road reserve boundary;

**"road traffic sign"** means any road traffic sign and traffic signal as contemplated in the National Road Traffic Act ;

**"sky sign"** means any advertising sign erected or placed on or above any roof, parapet wall or the eaves of a building, but does not include an advertisement painted on a roof of a building;

**"storey"** means the space within a building, which is situated between one floor level and the next floor level above, or if there are no clearly defined storeys, a height of 4,5m;

**"street furniture advertisement"** means an advertisement displayed on any public facility or structure which is not primarily intended for advertising and includes a seating bench, plant box, sidewalk litter bin, pole-mounted litter bin, public transport shelter, sidewalk clock, suburban name sign and a street name and drinking fountain;

**"street light pole advertising sign"** means an advertising sign fixed to or erected on a street light pole which pole vests in the Council or its Municipal Owned Entity;

**"streetscape"** means the visual product of all the features within and adjacent to a public street such as street furniture, signage and landscaping;

**"third-party advertising sign"** means an advertising sign located on a property upon which sign one or more advertisements are displayed which are not descriptive of any business, industry, service, activity or attraction situated, taking place or provided on that property ; and

**"transit advertising sign"** means a vehicle or trailer designed or adapted for advertising purposes and mainly used for such purposes;

## 2. APPLICATIONS FOR COUNCIL'S APPROVAL FOR DISPLAY OF BILLBOARDS AND ADVERTISEMENTS

- (1) No person shall display or erect any advertising sign or hoarding or use any advertising sign or hoarding or use any structure or device as an advertising sign or hoarding without first having obtained

the written approval of the municipality, the provisions of this section shall not apply to signs deemed exempted or prohibited.

- (2) No sign erected displayed with the approval of the Council shall 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 by the municipality in terms of sub-section (1).
- (3) An application in terms of sub-section 1, accompanied by the required application fee, specified in the tariff of charges, as determined by Council, shall be signed by the owner of the proposed advertising sign or hoarding and by the registered owner of the land or building on which the sign or advertising hoarding is to be erected or displayed, or on behalf of the owner of the land or building by his agent authorised in writing by such owner and shall be accompanied by:
  - (a) a locality plan indicating the anticipated position of the sign within the area of the LIM 476 Local Municipality. The municipality may require the locality for signs in excess of 10 square meters to be indicated and described by an accurate G.P.S. reading or an acceptable alternative;
  - (b) a block plan of the site on which the advertising sign or hoarding is to be erected or displayed, drawn to a scale of not less than 1:500 showing every building on the site and the position with dimensions of the sign or advertising hoarding in relation to the boundaries of the site and the location of the streets and buildings on properties abutting the site;
  - (c) a drawing sufficient to enable the municipality to consider the appearance of the advertising sign or hoarding and all relevant construction detail; and
  - (d) a drawing showing the advertising sign or hoarding in relation to other similar type signage in the area in which it will be erected.
- (4) Every such plan and drawing shall be clearly reproduced on an approved material in sheet form not less than A4 size (210mm x 297mm).
- (5) A drawing required in terms of subsection 4 shall show all details of the sign and shall be drawn to a scale of not less than 1:20 or other scale acceptable by municipality.
- (6) The Council may require additional information in relation to the land on which the sign is to be erected, its use and impact.
- (7) If a sign is to be attached to or displayed on the facade of a building, the municipality may require the submission of an additional drawing showing an elevation of the building in colour, the details and position of the proposed sign and the details and the position of every existing sign on the building drawn to a scale of not less than 1 : 100, or the municipality may require a coloured print of or an artist's photographic or computer generated impression of the building with the details of the proposed



sign superimposed on such graphic and draw as nearly as is practicable to the same scale as that of the graphic.

- (8) The municipality may require the submission of additional drawings, calculations and other information and a certificate by a person defined in section 1 of the Engineering Profession of South Africa 1990 (Act No. 114 of 1990) as a certified engineer, engineering technician, professional engineer or professional technologist (engineering), in each case giving details to the municipality's satisfaction, to enable it to establish the adequacy of the proposed means of securing, fixing or supporting any advertising sign, hoarding or screen, to resist all loads and forces to which the advertising sign, hoarding or screen may be exposed and the sufficiency of the margin of safety against failure, in compliance with the provisions of Regulation of the National Building Regulations. In considering an application submitted in terms of sub-section (1), the Council may, in addition to any other relevant factors, have due regard to the following:
- (a) No advertising sign or hoarding or copy should be so designed or displayed that:
    - (i) it will be detrimental to the environment or to the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or materials or for any other reason;
    - (ii) it will constitute a danger to any person or property;
    - (iii) it will display any material which in the opinion of the municipality is indecent, suggestive of indecency, prejudicial to public morals or objectionable;
    - (iv) it will obliterate any other signs;
    - (v) it will in the opinion of the municipality be unsightly or detrimentally impact upon a sound architectural design; and
    - (vi) it will in any way impair the visibility of any road traffic sign or affect the safety of motorists or pedestrians,
  - (b) The size and location of a proposed advertising sign or hoarding and its alignment in relation to any existing advertising sign or hoarding or the same building or erf and its compatibility with the visual character of the area surrounding it.
  - (c) The number of signs displayed or to be displayed on the erf concerned and its legibility in the circumstances in which it is seen;
  - (d) The sign, if not appropriate to the type of activity on or zoning of the erf or site to which it pertains should be considered on its merits in terms of the control measures of the Council's Outdoor Advertising Signage Policy and Code of Practice and the S.A.M.O.A.C. guidelines.
- (9) The municipality subject to section 30, may refuse any application submitted in terms of sub-section (1) or grant its approval subject to any amendment or condition which it may deem expedient, including a

condition that the owner of any advertising sign or hoarding or the owner of the land or building on which such advertising sign or hoarding is to be erected and displayed, or both such owners, indemnify the municipality to its satisfaction against any consequences flowing from the erection, display or mere presence of such advertising sign or hoarding.

- (10) The municipality shall without delay and in writing notify the applicant and notify the applicants rights in terms of the Promotion of Administrative Justice Act, 2000
- (11) Every application, plan, drawing and other document submitted in terms of this section shall on approval be retained by the Council for its records.
- (12) Any sign or advertising hoarding for which approval has been granted, shall be erected and displayed in accordance with any plan, drawing or other document approved by the Council and any condition imposed in terms of that sub-section the Council shall be notified once any approved advertising sign or hoarding has been erected.
- (13) Notwithstanding anything contained in this By-Law, any advertising sign or hoarding which complies to the municipal satisfaction, may be approved by the Council.

### **3. WITHDRAWALS OR AMENDMENT OF THE APPROVAL**

- (1) The municipality may, at any time, withdraw an approval granted or amend any condition or impose a further condition in respect of such approval, if in the opinion of the municipality an advertising sign or hoarding:
  - (a) will be or become detrimental to the environment or the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or materials or for any other reason;
  - (b) will constitute or become a danger to any persons or property; or
  - (c) will obliterate other signs, natural features, architectural features or visual lines of civic or historical interest.
- (2) Should an approved advertising sign or hoarding not be erected within six (6) months from approval or within a time specified in the approval granted, the approval will lapse.
- (3) Should the information requested by the municipality to process a signage application not be provided within a three-month period from the date of the request, the application shall be regarded withdrawn.

#### 4. EXEMPT SIGNS

- (1) The following signs shall be exempt from the provisions of section 2 but shall comply with all other provisions of this by-law save for signs contemplated in (a) and (b) which need not so comply:
- (a) any sign displayed in an arcade;
  - (b) any sign displayed inside a building;
  - (c) any sign displayed on an approved advertising hoarding;
  - (d) any sign advertising a current event in a cinema, theatre or other place of public entertainment, displayed in a fixture or building especially made for such display;
  - (e) any sign not exceeding the sizes specified hereunder, which is displayed on a site where a building, swimming pool, tennis court, paving, fencing or garden landscaping or any other structure is in the course of being constructed, erected, carried out or altered and which describes the building or structure being erected or other work or activity being carried out, and which displays the names of the contractors or consultants concerned in such work or activity and identifies the branches of the industry or the professions represented by them, during the course of such construction, erection, carrying out of alterations as the case may be provided that only one such sign, or set of signs shall be permitted per street frontage of a site; and which is placed on or affixed to the building concerned or attached parallel on the boundary fence of the erf on which the building is situated. Such signs are to be removed within 21 days of the completion of the contract. Signage for ongoing maintenance contracts is not permitted which includes:
    - (i) project boards, 6m<sup>2</sup> and with a maximum erected height of 6m, giving the names of architects, consultants and contractors; or
    - (ii) individual contractors and sub-contractor's board: 2m<sup>2</sup>. ;
  - (f) any sign, other than a sign provided for in paragraph (e), not exceeding 12m<sup>2</sup>, and not exceeding a maximum erected height of 6m, which portrays or describes the type of development being carried out on a site and which gives details of the type of accommodation being provided, floor space available, the name, address and telephone number of the developer or his agent, erected during construction work or the carrying out of alterations or additions as the case may be and remaining for a period not exceeding 2 months after the completion of such work;
  - (g) a sign on a street frontage of a building occupied by shops, showrooms or other business uses as defined in the relevant Town Planning Scheme, other than a sign in an office park area, which is below

- the level of the ground floor ceiling and which is displayed on or fixed to the face of a building or suspended from the soffit of a canopy or verandah roof;
- (h) a sign consisting of a 600mm x 450mm metal plate or board permitted in terms of section 14;
  - (i) any flag hoisted on a suitable flag pole which displays only a company name and motif. A maximum of 5 flag poles of 7m in height is permitted unless specific permission has been applied for as contemplated in terms of section 2 for more than 5 flag poles;
  - (j) any sign in a locality wholly or mainly used for residential purposes, other than a brass plate or board not exceeding 600mm x 450mm in size, affixed indicating the name, address and telephone number of a security company contracted to protect the property, provided that only one sign per stand or subdivision shall be permitted and such sign shall be firmly affixed to the boundary wall, fence or gates on the street frontage;
  - (k) one sign not exceeding 600mm x 450mm in size on each street boundary of an erf or portion of an erf which sign indicates the existence of a commercial security service, burglar alarm system.
  - (l) a sign not exceeding 2m<sup>2</sup>, indicating the existence of a block or neighborhood watch system, displayed on a boundary wall or fence or in a position approved by the municipality. If erected on its own pole(s), the minimum underside clearance of the sign above the pavement must be 2.1m.
- (2) The owner of the building or property on which a sign contemplated in sub-section (1) (g) is displayed, shall indemnify the municipality against any consequences flowing from the erection, display or mere presence of the sign.
- (3) Road traffic signs or any signs erected in terms of any provincial or national act are exempted.

## 5. PROHIBITED SIGNS

- (1) No person shall erect or cause or permit to be erected or maintained any of the following signs:
- (a) any sign painted on the roof of a building or painted on, attached to, or fixed between the columns or posts of a verandah;
  - (b) (i) any sign which projects above or below any fascia, bearer, beam or balustrade of a street verandah or balcony;
  - (ii) any luminous or illuminated sign which is fixed to any fascia, bearer, beam or balustrade of any splayed or rounded corner of a street verandah or balcony;
  - (c) any sign suspended across a street unless otherwise approved by the municipality;
  - (d) any sign on calico, paper mache, plastic, woven or similar material or of any kind whatsoever, unless consisting of flexface within an approved advertising sign;

- (e) any swinging sign, which is a sign not rigidly and permanently fixed;
- (f) any sign which may either obscure a road traffic sign, be mistaken for with or interfere with the functioning of a road traffic sign;
- (g) any sign which may obscure traffic by restricting motorists' vision and lines of sight thus endangering motorists' safety;
- (h) any sign which is indecent or suggestive of indecency, prejudicial to public morals or is reasonably objectionable;
- (i) Any sign which will obstruct any window or opening provided for the ventilation of a building or which obstructs any stairway or doorway or other means of exit from a building or which will prevent the movement of persons from one part of a roof to another part thereof;
- (j) any animated or flashing sign the frequency of the animations or flashes or other intermittent alternations of which disturbs the residents or occupants of any building or is a source of nuisance to the public or impairs road traffic safety;
- (k) any illuminated sign, the level of illumination of which unreasonably disturbs the residents or occupants of any building or is a source of nuisance to the public;
- (l) any movable temporary or permanent sign other than those specifically provided for in this by-law.
- (m) any sign referring to a price or change in price of merchandise except in a shop window, or on the article itself;
- (n) any advertisement or sign other than an exempted sign, for which neither a permit nor approval has been obtained;
- (o) any poster otherwise than on a hoarding legally erected for the purpose of accommodating such poster;
- (p) any sign or signs, the total area of which exceeds 30m<sup>2</sup>, painted or fixed on a wall of a building not being a front wall of such building;
- (q) any sign painted on any fence or boundary wall, not being an approved sign or hoarding;
- (r) any sign which does not comply with the requirements of or which is not permitted by this By-Law;
- (s) any sign which may obstruct pedestrian or vehicular traffic;
- (t) any form of flyposting on private or municipal property or assets;
- (u) any transit advertising sign that is parked irrespective of whether it is attached to a vehicle or not;
- (v) any poster or sign attached to a tree;
- (w) any poster attached or pasted to a bridge;
- (x) any temporary sign for commercial or third-party advertising erected on municipal land or land vested in the municipality unless by prior signed encroachment agreement or contract with the Council;

- (y) any sign attached to a bridge or any other municipal asset, unless by prior signed agreement or contract with the council municipality and
- (z) any third party advertising sign on any property zoned "Residential" in terms of the relevant Town Planning Scheme whether secondary rights or not have been granted by municipality and which are exercised on the erf and any sign or poster attached to a Road Traffic Sign.

## **6. SIGNS SUSPENDED UNDER VERANDAHS OR CANOPIES**

- (1) Every sign, which is suspended from a verandah or a canopy, shall comply with the following requirements:
  - (a) unless the municipality otherwise permits, having regard to the design of the verandah or canopy and its associated building and to the position of the building in relation to the street boundary of the erf, the sign shall be fixed with its faces at right angles to such boundary;
  - (b) no part of the sign shall project beyond the outer edge of the verandah or canopy from which it is suspended;
  - (c) no part of the sign shall be less than 2.4m above the surface of the sidewalk or ground level immediately below it, nor should the top of the sign be more than 1 m below the canopy or verandah from which it is suspended nor shall any sign exceed 1m in depth; and
  - (d) unless the council in writing otherwise permits, the bottom edge of the sign when suspended shall be horizontal and the supports by means of which the sign is suspended, shall be an integral part of the design of the sign.

## **7. SIGNS ON VERANDAHS AND CANOPIES OVER STREET**

- (1) Save as herein before provided with regard to hanging signs, every sign affixed to or onto a verandah over a street shall be set parallel to the building line.
- (2) Such signs shall not exceed 600mm in depth and shall be fixed immediately above the eaves of the verandah roof in such manner as not to project beyond the rear of the roof gutter or shall be fixed against but not above or below the verandah parapet or balustrade in such manner as not, to project more than 230mm from the outside face of such parapet or balustrade provided that:
  - (a) a sign on a public building fixed to or on a verandah over a street and which displays only the features or program of an entertainment to be given in such public building shall:

- (i) have a maximum area of 1m in the aggregate for every 1.5m or part thereof of the frontage of such building to the street over which the sign is erected;
- (ii) not exceed 1.2m in height.
- (b) nothing in this section contained shall be taken to prohibit the painting of signs not exceed 600mm in depth on beams over verandah columns, or on parapets of verandahs;
- (c) no illuminated sign or sign designed to reflect light, shall be attached to or displayed on any splayed or rounded corner of a verandah or canopy at a street intersection.

## 8. PROJECTING SIGNS

- (1) All projecting signs shall be set at right angles to the building line and shall be fixed at a height of not less than 2,75m above the pavement.
- (2) Save as is provided in sub-section 3, no projecting signs shall exceed 600mm in height, nor project more than 900mm from the building to which they are attached.
- (3) Notwithstanding the provisions of paragraph (b), larger projecting signs may be erected, provided :
  - (a) the owner of the building or the person for whom the sign is being erected shall make application for and assume responsibility in connection with such sign, including maintenance, an annual inspection to satisfy the owner regarding its safety and liability for all loss or damage caused to any person or property by reason of or in any way arising out of the erection, maintenance or existence of such sign;
  - (b) the design thereof shall be to the satisfaction of the municipality, and it shall comply in all respects with this by-law;
  - (c) such sign shall be fixed at right angles to the street and the front of the building upon which it is erected;
  - (d) such sign shall be constructed of metal framing and covered with metal sheeting and shall not exceed 300mm in depth from face to face;
  - (e) such sign shall not exceed a mass of 450kg or 675kg in the case of a sign consisting only of the name of a central public entertainment building;
  - (f) such sign shall not exceed 9m in height or 1.5m total projection from the building, or in the case of a sign consisting only of the name of a central public entertainment building, 14m in height and 1.8m in total projection from the building provided that this paragraph shall not apply to any sign which has been erected prior to the date of the publication hereof;

- (g) the sign shall be supported, by at least four iron brackets properly fixed to the building, any two of which shall be capable of carrying the whole mass of the sign, together with wind pressure, against which pressure the sign shall be satisfactorily braced and stayed;
- (h) upon receipt of a notification by the municipality that such sign is unsafe, it shall be removed forthwith by the applicant without any compensation by the Council whatsoever; and
- (i) the owner of such sign shall sign a form declaring himself to accept, and be bound by, the above conditions.

## **9. SIGNS INDICATING THE DEVELOPMENT OF A TOWNSHIP OR PROPERTY**

- (1) No sign referring to the laying out or development of any land as a township or to the disposal of any erven in a township or a property development shall be erected prior to the land-use rights being promulgated.
- (2) No sign referring to the laying out or development of any land as a township or to the disposal of any erven in a township or a property development shall exceed 12m<sup>2</sup>, with a maximum erected height of 6m.
- (3) Any approval granted in respect of such a sign in terms of section 2, shall lapse after the expiry of one year after the date of such approval, unless an extension has been granted by the municipality.
- (4) The sign must be located on the site of the proposed township or property development.
- (5) The municipality may approve a larger sign or hoarding for a particular development after taking into consideration the size of the development which must be 5ha or larger on condition that approval shall lapse after the expiry of one year after the date of such approval.
- (6) All signs must be removed within three months of a development being completed or occupied.

## **10. SIGNS FLAT ON BUILDINGS**

- (1) The total area of any sign placed flat on the front wall of a building facing a street shall not exceed 20m<sup>2</sup> for every 15m of building frontage to the street which such sign faces with a maximum area of 200m<sup>2</sup>.
- (2) The maximum projection of a sign referred to in sub-section (1) over the 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 230mm where such sign is more than 2,4m above such footway or ground level.



- (3) Signs placed flat on a wall of a building not being a wall contemplated in sub-section (1), shall not exceed 20m<sup>2</sup> in total area, unless located in a commercial or industrial zone.
- (4) Notwithstanding the provisions of sub-section (1) and (3), the Council may where it considers it desirable in the interests of the aesthetic appearance of the building or wall on which the sign is placed or of the neighbourhood of such building or wall, permit or require the dimensions of any such sign to be greater than those prescribed.

## 11. SIGNS ON BUILDINGS USED FOR RESIDENTIAL PURPOSES

- (1) A single 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 450mm brass or other metal plate displaying the name of the company owning or managing such building, its logo and telephone number, may be displayed.
- (2) A sign contemplated in sub-section (1) shall:
- (a) be fixed to or built into one or more walls of the building or a freestanding wall or boundary wall of the property;
  - (b) not be internally illuminated;
  - (c) be limited to one each of the signs referred to in that sub-section per street frontage of the property concerned.
- (3) A sign consisting of a 600mm x 450mm metal plate or board indicating the name and profession or occupation of the occupant may be affixed to the boundary wall or fence, or the entrance door of a dwelling house or dwelling unit, or to a wall in the entrance hall of a building used for residential purposes.
- (4) Where a business or profession is conducted from a property in a predominantly residential area by consent of the Council, or in terms of an Amendment Scheme (rezoning) a sign not exceeding 2m<sup>2</sup>, advising the public as to the nature of the business or profession conducted on the premises, may be erected as an element of a street-facing boundary wall. Any sign so erected shall form an aesthetically integral portion of the architecture of either the street-, facing boundary wall or a substantial architecture element designed to the satisfaction of the Council on the boundary of the property in question. The sign so erected shall not, in the opinion of the Council, detract from the residential character of the neighbourhood or have a negative impact on the market value of adjacent residential properties.

**12. SIGNS ON AWNINGS**

- (1) A sign containing only the name of a hotel, shop or restaurant may be displayed on an awning of approved material.

**13. SIGNS NOT TO BE FIXED TO VERANDAH COLUMNS**

- (1) No sign of any description shall be fixed to street verandah posts or columns.

**14. ADVERTISEMENTS ON BANNERS OR SIMILAR ITEMS**

- (1) No advertisement shall be displayed on any banner, streamer, flag, paper, paper mache, plastic sheet or other similar pliable material or on calico or other woven material, without the written permission of the Council, subject to such conditions as the Council may deem expedient.
- (2) Permission in terms of sub-section (1) shall only be granted for an advertisement relating to a function or event conducted for religious, educational, social welfare, animal welfare, sporting, civic or cultural purposes or to a function or event relating to a Local Government, Provincial or National election or referendum.
- (3) Every application for permission in terms of sub-section (1) shall be in terms of the tariff of charges as determined by municipality in respect of each advertisement to which the application relates.
- (4) The municipality may, without notice, remove and destroy any advertisement contemplated in sub-section (1) which is displayed in contravention of this section.
- (5) Every person to whom permission has been granted in terms of sub-section (1) shall ensure that the following requirements are complied with:
- (a) not more than five advertisements shall be displayed in respect of one function or event and with no more than one advertisement per street front;
  - (b) every advertisement shall be attached to or suspended between poles or other supports on the site on which the function or event is to be held;
  - (c) every advertisement shall be so attached so as not to interfere with, or constitute a danger to passing vehicular or pedestrian traffic;
  - (d) no advertisement shall be displayed for more than one week before the date of the function or event advertised nor shall any such advertisement be permitted to remain in position for more than three days after the conclusion of such function or event.
- (6) No banner approved in terms of this section may be larger than 6m<sup>2</sup>.

## 15. PAINTED ADVERTISEMENTS

- (1) Subject to the provisions of sub-section (2), no sign shall be painted directly on to any building, canopy, column, boundary wall, post or structure, other than on the external or internal surface of a window.
- (2) Subject to the approval of the municipality in terms of section 3, the name of any person or company carrying on business in a building may be painted directly on any approved wall of such building.
- (3) Subject to the approval of the municipality in terms of section 3 murals with advertising painted directly onto any approved surface may be considered on merit.

## 16. TEMPORARY SIGNS AND ADVERTISING

- (1) Signs relating to the letting or selling of property, complying with the following requirements, may be displayed without the approval of the municipality:
  - (a) any sign not exceeding 600mm x 450mm in size containing the words "for sale" in respect of any dwelling house or residential building and which in addition may display only the name, address and telephone number of the selling agent, and which is placed on or fixed to the building concerned, is attached parallel to a boundary fence of the erf on which the building is situated or is otherwise displayed within the boundaries of such erf. Such signs shall be limited to one sign per agent with a maximum of, three signs per erf;
  - (b) any one sign per street frontage not exceeding 600mm x 450mm in size, which contains only the word "Sold" in respect of any dwelling house, or residential building, and which:
    - (i) is displayed only after all signs referred to in paragraph (a) have been removed; or
    - (ii) is placed on or fixed to the building concerned, or is attached to a boundary fence of the erf on which the building is situated or is otherwise displayed within the boundaries of such erf;
  - (c) any sign not exceeding 6m<sup>2</sup> fixed flat on the facade of a non-residential building which contains only the words "For Sale" or "To Let" and the name, address and telephone number for the selling or letting agent, or only the lettering for the word "Sold" with a maximum of one sign per building for a period not exceeding three months.
  - (d) any sign not exceeding 600mm x 450mm in size, displayed on a vacant residential erf and which displays only the words "For Sale" and the name, address and telephone number of the owner or an agent, or only the word "Sold". Such signs shall be limited to one sign per agency with a maximum of three agencies per erf for a maximum period of two months;

- (e) Any sign not exceeding 6m<sup>2</sup> in size on a vacant non-residential erf and which displays only the words "For Sale" or "To Let" and the name, address and telephone number of the owner or his agent or only the word "Sold" and no other wording whatsoever with only one sign per erf for a maximum period of three months.
- (f) any directional sign displayed by the Automobile Association of Southern Africa or any other approved body advertising a particular event.
- (2) Any sign, or banner not exceeding 4m<sup>2</sup> and not more than 3m above the ground, containing letters, figures, advertising emblems or devices, not exceeding 150mm in height, relating solely to an entertainment, meeting, auction or a sale to be held upon or in relation to a certain site, may be displayed upon such site: provided that such sign or banner shall not be displayed for more than one week before the function or event, the date of which must be displayed on the sign or banner, nor remain in position for more than three days after the conclusion of the function or event,
- (3) Any selling or letting board(s) requiring the approval of the municipality must conform to the design regulations currently in force with these by-laws.
- (4) To consider at the municipality discretion temporary advertising on municipal land or land vested in or controlled by the municipality for a period not exceeding 30 days for special event signs.

## **17. SIGNS ON AND OVER STREETS**

- (1) Every person owning, displaying or causing to be displayed a sign which, or any part of which, overhangs, or is placed on any street shall, on being instructed by notice in writing by the municipality to do so, remove it within twenty four hours from the date of such instruction or within such longer period specified in such notice without payment of any compensation.
- (2) In the event of non-compliance with an instruction in terms of sub-section (1), the municipality may in itself remove the sign concerned and may recover the cost thereof from the person or persons, jointly and severally, to whom a notice in terms of sub-section (1) was addressed and such persons shall not be entitled to any compensation.

## **18. BILLBOARDS**

- (1) Any billboard displayed may not:
  - (a) be in conflict with applicable National, or Provincial Legislation or any laws;

- (b) be detrimental to the nature or the environment in which it is located by reason of abnormal size, intensity of illumination or design;
  - (c) be in its content objectionable, indecent or insensitive to any section of the public or to any religious or cultural groupings or the like;
  - (d) unreasonably obscure partially or wholly any sign previously erected and legally displayed;
  - (e) constitute a danger to any person or property; and
  - (f) encroach the boundary line of the property on which it is erected.
- (2) Road intersections, a maximum of 2 single-sided advertising boards per intersection may be permitted.
  - (3) Spacing of billboards shall be at the discretion of the municipality having regard to safety, aesthetics, environmental, local area frameworks and other considerations.
  - (4) Billboards in rural areas shall be erected in such a way as not to obstruct one another, be of even height wherever possible and evenly spaced.
  - (5) Where, in the opinion of the municipality, a sign alley has been created the spacing of billboards shall be at the discretion of the municipality.

## 19. SAFETY CONDITIONS

- (1) Billboards shall be erected and serviced to comply with the following conditions:
  - (a) Signalized intersection:
    - (i) they shall not have as main colours, red, amber, green and the advertising sign to be well clear of the signal heads; and
    - (ii) they shall not obscure or interfere with any road traffic light or sign;
  - (b) illumination of billboards is permitted provided such illumination does not constitute a road safety hazard or cause undue disturbance;
  - (c) erection and servicing on public roads;
    - (i) the traffic flow should not be impeded during erection and servicing of a billboard on a public road unless prior permission has been obtained and the necessary precautions arranged.
  - (d) Prohibited areas on motorways –
    - (i) billboards may be permitted within specified distances of on and off-ramps of motorways and overhead traffic directional signs where a curve in the road renders the billboard not to interfere with a clear and undistracted view of the directional traffic sign.
- (2) Site identification –
  - (a) Sign owner's name or logo must be clearly displayed.

- (3) Maintenance –
  - (i) Conduct regular site inspections to ensure the good condition of boards. Traffic flow should not be impeded during the servicing of a billboard on a public road unless prior permission has been obtained and the necessary safety precautions arranged.
- (4) Size per copy - At the Council's discretion to a maximum of:
  - (a) areas of partial control - 40m<sup>2</sup>
  - (b) areas of minimum control - 81m<sup>2</sup>
  - (c) Areas of control defined in the municipality: Outdoor Advertising Policy and Code of Practice and the SAMOAC guideline document
- (5) An application fee as determined by Council is payable.
- (6) The height of a billboard shall not exceed 12m unless otherwise approved by Council.

## **20. TRANSIT SIGNS**

- (1) Transit advertising signs shall only, be permitted to be displayed if mobile at all times and comply with all requirements of Road Traffic legislation.
- (2) The parking of a transit advertising sign on municipal or private property for the purposes of third-party advertising is prohibited.
- (3) Transit advertising signs parked on private property for the purpose of storage shall be positioned in such a manner as not to be visible from a street or public place.
- (4) Notwithstanding the provisions of sub-section (1), (2) and (3) or otherwise in contravention of this By-Law, the municipality or its authorised agent may, without prior notice, carry out the removal and impoundment of such transit advertising sign.
- (5) A transit advertising sign impounded by the municipality may be released within a period of 3 months of notification or such sign shall be disposed of by municipality to defray any fines or removal costs involved.
- (6) A transit advertising sign impounded by the municipality shall only be released after the removal cost and fine are settled in full and a copy of the current license registration papers have been submitted for verification.

**POSTERS**

- (1) No person shall in, or in view of, any street display or cause or allow it to be displayed any poster unless the person has first obtained the written permission of the municipality;
- (2) Every application for permission required in terms of sub-section (1) shall be accompanied by an application fee or a deposit as determined by Council, and written details of the townships and streets in which the posters are to be displayed and all the posters to which the application relates provided that for National, Provincial or Municipal elections only one poster need be submitted and an application fee paid by each candidate as determined by Council Provided that for National, Provincial or Municipal referendums only one poster need be submitted and an application fee paid by each registered political party as determined by Council:
- (a) every poster for which permission is granted in terms of sub-section (1) shall be provided with a municipal sticker and only posters with the Municipality stickers affixed or approved Municipality's markings shall be displayed,
- (b) the municipalities shall be entitled to retain one such poster for identification purposes.
- (3) Any person who displays or causes or allows to be displayed in or in view of a street, a poster, for which permission has been granted in terms of sub-section (1), shall ensure that the following requirements are complied with-:
- (a) no poster shall be so displayed that any part of it is lower than 2.1m or higher than 3m above the sidewalk or ground level immediately below it;
- (b) no poster displayed by any person shall be indecent, or suggestive of indecency, prejudicial to public morals or reasonably objectionable;
- (c) no poster shall be displayed on motorways including on and off-ramps;
- (d) every poster other than a parliamentary, provincial or municipal election or referendum poster shall be displayed in a permanent frame or other approved backing, of a design and in a predetermined location approved by the municipality. The maximum size for frames shall not exceed :
- (i) Advertising posters 900mm high x 600mm wide; (A1 size); and
- (ii) Press posters 600mm high x 450mm wide (A2 size);
- (e) every parliamentary, provincial or municipal election or referendum poster shall be attached to a board made of wood, hardboard, cortex or other approved weatherproof material, in such a manner that it will not become wholly or partially dislodged by wind or rain, and neither the board nor poster shall exceed 900mm high x 600mm wide or be less than 600mm high x 450mm wide, and secured only to an electric light standard erected by the municipality or the State in a street or public place provided that such

board is secured to such light standard by means of stout string or plastic ties only and no securing material with a metal content is permitted;

- (f) the 'frame' referred to in paragraph (d) shall not be placed on or against or attached to or otherwise supported by any transformer box, telegraph pole, tree, road traffic sign or other sign or object with the exception of an electric light standard erected by the Council or the State in a street or public place, provided such frame is secured to such light standard in such a manner to the approval of the Council that it will not become or wholly or partially dislodged by wind or another means, and positioned in such a manner that it does not obscure or interfere with the electrical inspection chamber or pole identification number or impair the safety of motorists or pedestrians, maximum of two frames per pole. No frame shall be erected within 10m of a traffic signal unless the prior approval of the municipality has been obtained;
- (g) no poster relating to a meeting, function or event, other than a National, Provincial or Municipal election or referendum shall be displayed for longer than ten days before the date on which such meeting, function or event begins or longer than four days after the date on which it ends;
- (h) no poster relating to a parliamentary, provincial or municipal election or to a specific candidate in such election or a poster relating to a referendum shall be displayed for longer than the period extending from the beginning of either the date, of nomination or the date of proclamation in the Government Gazette declaring that a referendum is to be held, as the case may be, to the end of the tenth day after the date of such election or referendum: Provided that posters not relating to a specific candidate may also be displayed for a period no longer than that extending from a date fourteen days prior to either nomination day or the date of proclamation in the Government Gazette declaring a referendum is to be held, as the case may be, to the end of the fifth day after the date of such election;
- (i) subject to the discretion of the municipality, not more than 2000 posters shall be displayed at any one time in relation to any meeting, function or event, other than a National, Provincial or Municipal election or referendum or a meeting relating to an election or referendum;
- (j) in respect of each candidate not more than 1000 posters or other advertisements shall be exhibited at any one time in any municipal ward or as otherwise directed by municipality; in respect of a referendum not more than 5000 posters or other advertisements per registered political party shall be so exhibited in the municipal area of the Municipality or otherwise directed by municipality.;
- (k) the details of the event, the commencement and final date of the event and the venue with address where it is to be held must appear on the posters in letters not less than 50mm in height and 10mm in thickness, with all other information pertinent to the event in letters not less than 30mm in height and 5mm in thickness;



- (l) the commercial content of the poster may not exceed 20% of the area of the poster nor may such commercial lettering be larger than the main lettering in the remainder of the poster;
  - (m) the posters may not have a display period of more than 28 consecutive days for any event advertised.
  - (n) the display of posters on any bridge or in sensitive areas identified by the Council, is prohibited;
  - (o) the display of auction posters shall only be within the area of jurisdiction of the Municipality , duly authorised by the Sheriff of the Court, to a maximum of 40. The Case Number or Masters Reference Number must be displayed on the poster. A writ is to be produced on submission; and
  - (p) the display of political posters not directly for the purposes of a National, Provincial or Municipal election or referendum, shall be regarded as advertising.
- (4) The provisions of sub-section (2) shall not apply in respect of a poster relating to an election, or a referendum, which:-
- (a) is placed entirely inside private premises;
  - (b) is displayed in or on a motor vehicle;
  - (c) is displayed at the committee room clearly marked as such, of a candidate in an election; or
  - (d) fixed to an advertising hoarding for which approval has been granted in terms of section 3.
- (5) Any poster which is displayed without permission or in contravention of this Clause may without notice be removed and destroyed by the municipality and any costs incurred by the municipality in the removal will be borne by the person who displayed the poster or caused, or allowed it to be displayed.

## **21. FIXING OF SIGNS AND HOARDINGS**

- (1) All signs and hoardings shall be properly constructed of the requisite strength and shall, be securely fixed to the satisfaction of the municipality.
- (2) The person by whom such signs and hoardings are erected and the owner of the fixture on which or to which they are attached shall assume all liability and responsibility in connection therewith, including maintenance, and shall undertake at least one annual inspection thereof with a view to satisfying themselves as to the safety thereof.
- (3) Every sign or hoarding shall be repainted and cleaned regularly in order to prevent them from becoming unsightly.
- (4) The municipality may require certification that the installation is structurally safe.

**22. POWER CABLES AND CONDUITS TO SIGNS**

- (1) Every power cable and conduit containing electrical conductors for the operation of a sign shall be so positioned and fixed that it is not unsightly.
- (2) No advertising sign or hoarding shall be connected to any electricity supply without the prior written permission of the relevant electricity supply authority. Such proof of permission shall be submitted if requested.

**23. ERECTION AND MAINTENANCE OF ADVERTISING SIGNS AND HOARDINGS**

- (1) If, in the opinion of the municipality, any advertising sign or hoarding 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 requiring own cost, to remove the sign or hoarding or do other work specified in the notice within a period so specified.
- (2) The municipality may, if in its opinion an emergency exists, instead of serving notice in terms of sub-section (1) or if such notice has not been complied with within the period specified therein, itself carry out the removal of a sign or advertising hoarding or do other work which it may deem necessary and may recover the cost thereof from the owner referred to in sub-section (1).

**24. NATIONAL BUILDINGS REGULATIONS**

- (1) Should any conflict exist between this By-Law and the National Building Regulations and Building Standards Act 103 of 1977, the Act shall prevail.

**25. CHARGES**

- (1) Every person who applies to the municipality for its approval or permission shall, on making application pay to the municipality the charge determined therefore and no application shall be considered until such charge has been paid.
- (2) Any signs or advertising boards which have been removed and impounded but not destroyed by the municipality as a result of them not complying with these by-laws may be released to the original owner at the rates determined by the Council.

- (3) Signs removed and not released within 3 months shall be disposed of by the municipality.

## **26. DAMAGE TO COUNCIL PROPERTY**

- (1) No person shall intentionally or negligently, in the course of erecting or removing any sign, advertising hoarding, poster or banner cause damage to any tree, electric standard or service or other municipal installation or property.
- (2) The costs for any repairs necessary will be for the account of such person.

## **27. ENTRY AND INSPECTION**

- (1) The municipality shall be entitled, through its duly authorised officers, to enter into and upon any premises, at a reasonable time for the purpose of carrying out any inspection necessary for the proper administration and enforcement of the provisions of this by-law.

## **28. REMOVAL OF ADVERTISING SIGNS OR HOARDINGS**

- (1) If any advertising sign or hoarding is displayed so that in the opinion of the municipality it is detrimental to the environment or to the amenities of the neighbourhood, or otherwise in contravention of these by-laws, the municipality may request or serve a notice on the owner of the advertising sign or hoarding to remove such advertising sign or hoarding or carry out such alteration thereto or do such work as may be specified in such request or notice within a time specified,
- (2) If a person fails to comply with a confirmed request or a notice referred to in sub-section (1), the municipality or its authorised agent may remove such an advertising sign or hoarding.
- (3) The municipality shall in removing a transit sign, advertising sign or hoarding contemplated in sub-section (1) not be required to compensate any person in respect of such advertising sign or hoarding, in any way of loss or damage resulting from its removal.
- (4) Any costs incurred by the municipality in removing a transit sign, advertising sign or hoarding, in terms of sub-section (2) or in doing alterations or other works in terms of this section may be recovered from the person on whom the notice contemplated in sub-section (1) was served, or if a deposit has been paid in respect of such advertising sign, the costs may be deducted from the deposit.
- (5) Notwithstanding the provisions of sub-section (1), (2), (3) and (4) if an advertising sign or hoarding:

- (a) constitutes a danger to life or property;
- (b) is obscene; and
- (c) is in contravention of this by-law and is erected on, attached to or displayed on any property of, or under the control of the municipality; the municipality may, without serving any notice, remove any such advertising sign or hoarding or cause it to be removed.

## **29. SERVING OF NOTICES**

- (1) 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 to the person or any member of the household apparently over the age of sixteen years at place of residence or on the persons employer or at the persons place of business, or if sent by registered post to such person's residential or business address as it appears in the records of the municipality, or if such person is a company or closed corporation or a trust, if served on any person employed by that company, closed corporation or a trust, if served on any person employed by that company, closed corporation or trust at its registered office or sent by registered post to such office.

## **30. HEARING**

- (1) Where objections have been lodged in respect of the application, the Council shall, hear the objections or representations.
- (2) Where such objections lodged are to be heard by Council, the council shall determine a day, time and place for the hearing.
- (3) Not less than 14 days prior to the day determined in terms of sub-section (2), the Council shall notify the applicant and every objector of the day, time and place so determined.
- (4) At the hearing the Council shall adopt its own procedure in compliance with the rules of natural justice.

## **31. APPEALS**

- (1) An applicant or objector who is aggrieved by the municipal decision may appeal against that decision and shall give written notice of the appeal including the grounds of appeal to the Municipal Manager within 21 days of the date of the notification of the decision.

- 
- (2) The municipal manager shall timeously inform the applicant of the decision of Council which shall be final and the reasons thereof.
- (3) Appeal processes shall be as outlined in section 62 of the Local Government: Municipal Systems Act, 2000.

### **32. OFFENCES AND PENALTIES**

- (1) Any person contravening this by-law, upon conviction if found guilty of an offence, be liable to a fine or to imprisonment for a period not exceeding 12 months.

### **32. REPEAL**

- (1) Greater Tzaneen Municipality Control of Outdoor Advertising and Signage by-law as published in the Limpopo provincial gazette and any other by-laws applicable to Greater Tzaneen Local Municipality dealing with Billboards and Advertisements are hereby repealed.

### **33. SHORT TITLE AND COMMENCEMENT**

- (1) This by-law is called Control of Outdoor Advertising and Signage for Greater Tzaneen Local Municipality 2017 and shall come into effect on the date of the publication in the *Provincial Gazette*.

B. S. MATLALA  
MUNICIPAL MANAGER

27 SEPTEMBER 2019