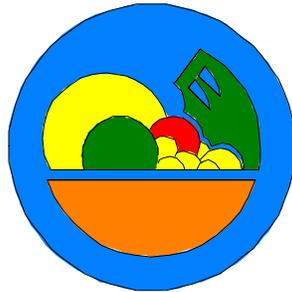




Umnotho Development

**CONTROL OF
TEMPORARY
ADVERTISEMENTS
AND PAMPHLETS
BY LAWS**

v JUNE 2004



**Greater Tzaneen
Municipality**

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CHAPTER 1 DEFINITIONS

1. Definitions

(1) In these by-laws, unless the context otherwise indicates –

“advertisement” means any temporary poster, free standing sign, banner, advertising material or sign which is visible from a street in any way whatsoever, and the purpose of which is to advertise any event or matter, including an election advertisement but excluding an estate advertisement;

“charges” means the tariff of charges as determined by the Council in terms of section 10 G of the Local Government Transition Act, 1993;

“Council” means the Greater Tzaneen Local Municipality, established in terms of section 12 of the Local Government Municipal Structures Act, No 117 of 1998 and any member of staff to whom the Council has delegated the powers, functions and duties vesting in the Council in relation to these bylaws, or a law enforcement officer acting within the scope of his or her duties;

“election advertisement” means any advertisement or advertising apparatus which is visible from a street in any way whatsoever, including any pamphlet, bill, handbill, brochure, leaflet, circular letter, book or publication which are distributed from any street and which have to do or is used for a parliamentary-, provincial- or municipal election or by-election or referendum or a meeting regarding a parliamentary-, provincial-, municipal election or by-election or referendum;

“estate advertisement” means any temporary placard, free standing sign, banner, sign, board or advertising material, which is visible from the street and is erected or displayed by an estate agent with the aim to advertise movable or immovable property for show, buy or lease;

“estate agent” means a real estate agent as intended in the Real Estate Agents Act, Act 112 of 1976, and further includes any person or persons employed by or assigned by or under control of such estate agent;

“free-standing sign” means an advertisement which has its own support and which is not attached to any building or other permanent structure;

“immovable property” means any land, house, flat or other permanent structure which is used for residential or business purposes and further includes immovable property as described in section 1 of the Real Estate Agents Act, Act 112 of 1976;

“show” means an occasion where immovable property is offered for sale to the general public by an estate agent by means of an invitation to visit the relevant immovable property;

“pamphlet” means any pamphlet, handbill, brochure, book or publication the object of which is to advertise or introduce any product, goods or services;

“street” means any public street, avenue, sidewalk, public open space or park within the municipal area of the Council.

- (2) Any reference in these by-laws to a natural person will include a juristic person.

CHAPTER 2 ADVERTISEMENTS

2. Permission to Display

No person may affix, attach, fasten, place, display or cause to be displayed an advertisement in or in view of any street, or distribute, or cause or allow to be distributed any pamphlet (excluding pamphlets in envelopes addressed to “the householder” which are placed in a letter-box) unless he or she has obtained the explicit authority of the Council and has paid the applicable charges prescribed in terms of section 8.

3. Exempted Advertisements

The following advertisements and pamphlets are exempted from the provisions of these by-laws –

- (a) Advertisements and pamphlets which are displayed or distributed by the Council or under the control of the Council;
- (b) Advertisements which are affixed inside premises;
- (c) Temporary advertisements –
 - (i) Displayed by a person other than an estate agent, regarding the sale or lease of a property for the duration of the period during which it is being offered as such and for a period not exceeding 14 days after the property has been sold or leased.
 - (ii) Regarding applications in terms of the Council’s Town-planning Scheme or other advertisements prescribed by law during the period of compulsory advertising;
 - (iii) Regarding building or similar activities for as long as such activities are being carried out; which are displayed on the site to which it refers.

- (iv) Existing advertisements, duly approved by the Council, which comprise part of the structure or design of a building or which have been included in the building.

4. Prohibited Advertisements, Pamphlets and Publications

4. (1) No advertisement or pamphlet which in the opinion of the Council is suggestive of anything indecent or which may prejudice the public morals shall be displayed or distributed.
- (2) No publication whatsoever may be attached without approval of the Council to any building, pole or structure which is the property of the Council.
- (3) No person may in any way scatter any pamphlets in any street or in such a way that it will become scattered in any street.

5. Requirements for Advertisements

5. (1) Any person who in the exercise of a permission granted in terms of section 2, displays or causes or suffers to be displayed in a street or public place an advertisement, must comply with or cause to be complied with the following requirements:
- (a) The advertisement must be attached, in such a manner that it will not become wholly or partially dislodged by wind or rain, to a neat and strong board made of wood or other suitable material to the satisfaction of the Council, and neither such board or other material nor the poster or advertisement itself shall measure more than 850 millimeters by 600 millimeters.
- (b) A board or material as prescribed in terms of paragraph (a) may not be placed on or against or be attached to or otherwise supported by any lamppost, tree, transformer box, telegraph pole, traffic light or –sign or other structure or thing erected by the

Council, the Provincial Government or the Government of the Republic, subject to subsection (4).

- (c) A board or material as prescribed in terms of paragraph (a) must be firmly fastened to a strong and stable support by wire of suitable gauge.
 - (d) No board or material as aforesaid may be placed in such a position or fastened in such a manner as is likely in the opinion of the Council, to constitute a danger to any vehicular traffic or pedestrian in any street or other public place.
 - (e) No advertisement relating to a meeting, function or event other than an election may be displayed prior to 30 days before the day on which it begins or longer than three days after the day on which it ends.
 - (f) Not more than one hundred (100) posters or advertisements relating to a meeting, function or event other than an election, can be displayed at any one time.
 - (g) Not more than two advertisements in respect of the same function, event, presentation or business and in the case of election advertisements in respect of the same candidate or party, may be displayed on the same side of any one street block and not closer than 25m from the nearest border of the sidewalk at any street intersection.
- (2) Any person who in the exercise of an authority granted in terms of section 2, displays or causes or suffers to be displayed on in or in view of a street a free-standing sign, must comply with subsection (1) as well as or cause to be complied with the following requirements:

- (a) The sign shall be constructed of durable material to the satisfaction of the Council;
 - (b) The highest point of the sign may not be higher than 1,5m above ground level;
 - (c) The sign may not have any one face with an area exceeding 1m².
- (4) Any person who in the exercise of an authority granted in terms of section 2, displays or causes or suffers to be displayed in view of a street or other public place a banner, must comply with or caused to be complied with subsection (1) as well as the following requirements:
- (a) The banner may only be affixed on the premises of the person to whom authority has been granted for the display thereof, and shall not be affixed on or across any sidewalk, street or other public place: Provided that in the case of banners of which the purpose is the advertising of any welfare, religious, or educational function, meeting or other occasion, a banner may be displayed on or across a sidewalk, street or other public place with the prior written approval of the Council and on such conditions as the Council may impose;
 - (b) Every banner must be properly kept and maintained to the satisfaction of the Council;
 - (c) If the Council is of opinion that any banner is not being maintained in a satisfactory condition the Council may instruct that such banner be removed and the person to whom authority has been granted for the affixing or display thereof, shall then be bound to do so. In such instance the Council shall not be responsible for the refund of any fees which have already been paid.

(5) An advertisement can, notwithstanding the stipulations in Section 5 (1) (b), be displayed on a lamppost erected by the Council, by the persons or institutions mentioned hereunder and subject to the following conditions mentioned hereunder:

(a) By a political party or candidate participating in a parliamentary-, provincial- or municipal election or by-election or referendum which is to be held in the Municipal area of the Council: subject thereto that not more than one or advertisements may be displayed per political party or candidate on lamppost, and further subject to the payment of the prescribed tariffs herein stipulated and further only for such period and in such numbers as mentioned in subsection (1) (e) and (f);

(b) By the persons or institutions mentioned hereunder but subject to the conditions regarding other advertisements mentioned in subsection (1):

(i) Religious institutions or organizations;

(ii) Cultural institutions or organizations registered in terms of an act as a cultural institution or organization;

(iii) Educational institutions or organizations registered in terms of an Act as an educational institution or organization;

(iv) Welfare institutions or organizations registered in terms of an Act as a welfare institution or organization.

6. Election Advertisements

6. (1) The requirements prescribed in subsections (2) and (3) of this section must be complied with in respect of advertisements relating to a parliamentary, provincial or municipal election or by-election. Provided

that nothing in this section contained shall apply to an advertisement relating to such an election which –

- (a) is displayed on the day of the election on or in front of the premises where the polling station is situated on condition that such display shall not be contrary to any law, ordinance, by-law or regulation;
 - (b) is displayed in or on a private motor vehicle parked or being driven in a street or other public place in the course of its normal use;
 - (c) is affixed to a hording licensed for the display of advertisements.
- (2) The maximum number of posters or advertisements in respect of each candidate and party which may be exhibited during any election in the municipal area of the Council, will be as determined from time-to-time by resolution by the Council.
- (3) No poster or advertisement shall be displayed for longer than the period which proceeds a parliamentary-, provincial or municipal election or by-election or referendum, determined by the Council from time-to-time subject that such a period shall terminate at the end of the fourth day after any election.

7. Manner of Application to Obtain Permission

7. (1) When any applicant applies for permission to display or distribute an advertisement, election advertisement or pamphlet, excluding a free-standing sign and banner, a copy sample or reasonable accurate sketch of such advertisements or pamphlets shall be handed in at the offices of the Council, the prescribed application form shall be completed, and the prescribed deposit shall be paid. No advertisement or pamphlet shall be displayed or distributed if the Council's approval has not been obtained for such display or distribution.

- (2) When any applicant applies for authority to display a free-standing sign or banner, the application form as prescribed by the Council shall be completed and handed in at the offices of the Council, together with a copy, sample or reasonable accurate sketch, and the prescribed charges shall be paid at the same time. No such free-standing sign or banner may be displayed before written approval for the display thereof has been given by the Council.

8. Removal of Advertisements and Election Advertisements

Every deposit paid in terms of the Tariff of Charges will subject to the provisions of section 9 be refunded when, and not before, all the advertisements and/or election advertisements to which the deposit relates have been removed to the satisfaction of the Council.

9. Failure to Remove Advertisements and Election Advertisements

Any person who, having displayed or caused to be displayed any advertisements or election advertisement, fails to remove it or cause it to be removed within the periods prescribed in terms of section 5 (1)(e) or 6 (3), will be guilty of an offence and shall, in addition to any penalty imposed upon him or her in terms of section 14, forfeit the deposit relating to the advertisements and election advertisements paid in terms of the Tariff of Charges or such proportionate part of that deposit as the Council shall assess having regard to the number of posters or advertisements not removed.

CHAPTER 3

ESTATE AGENT ADVERTISEMENTS

10. Estate Agents

10. (1) An estate agent must apply for permission of the Council to display estate advertisements by submitting an application on the form provided for the purpose by the Council, together with the payment of the amount as prescribed in the Tariff of Charges.

- (2) After submitting an application and payment of the charges intended in subsection (1), by the estate agent, the Council must consider such application; and
 - (a) may refuse the application in writing; or
 - (b) approve the application in writing; or
 - (c) approve the application in writing, subject to such conditions as the Council appropriate.
- (3) An estate agent who displays any estate advertisement while he or she is not in possession of a written approval as intended in subsection (2) (b) or (c) or in contradiction with the conditions of any approval as prescribed in subsection 2(c), shall be guilty of an offence.
- (4) The Council can at any time, revoke any permission granted in terms of subsection (2) by giving written notice thereof to the estate agent.
- (5) Permission granted in terms of section 15 (2) (c) will be valid for one year from date of issue.

11. Permission to Display an Estate Advertisement

No estate agent may affix, annex, place, display or allow the display of an estate advertisement which relates to the sale or lease of immovable property or otherwise to the business of an estate agent in or in view of a street, unless the written approval of the Council to do so, has been obtained and the relevant registration, has been paid.

12. Requirements Regarding Advertisements

12. An estate agent on account of an approval granted to him or her in terms of section 10 to display an estate advertisement must comply with the following conditions:

- (1)
 - (a) the estate advertisement must be constructed of such suitable and durable material so that it will not become dislodged and untidy by wind, rain or sun;
 - (c) the estate advertisement may not be placed on or affixed to or otherwise be supported by a lamppost, tree, transformer box, telegraph pole, pole, traffic light, traffic sign or other structure or object which is erected by the Council or the Government of the Republic;
 - (d) the estate advertisement must be placed in such a manner or displayed or affixed that it will not capsize or be blown away by wind or rain;
 - (e) an estate advertisement which is a free-standing sign may not be affixed to the ground with pens or pedestals which are driven into the ground to a depth of more than 30cm. Such fixture shall further not be annexed or affixed to or placed in a tarred, paved or cemented surface;
 - (f) an estate advertisement may, notwithstanding any other stipulation in these by-laws, not be placed or erected in such a manner as is likely, in the opinion of the Council, to constitute a danger or obstruction to vehicular traffic or pedestrians in or on, or alongside a street or other public place, and
 - (g) no estate advertisement, may be placed in such a manner that the highest point thereof protrudes more than 1,5 meter above the ground level.
- (2)
 - (a) An estate advertisement, excluding an estate advertisement intended in section 13, may only be placed within the boundaries of the immovable property which is advertised therewith, and/or

such section of the pavement which exists at the street front directly in front of such property;

- (b) an estate advertisement, excluding an estate advertisement intended in section 13, may not extend a surface area of more than 1m^2 on the facing side thereof, and
- (c) an estate advertisement, excluding an estate advertisement intended in section 13, may not be shown after a period of 14 days has elapsed after the date on which a sale- or lease agreement in respect of the immovable property relating to such estate advertisement, was entered into.

13. Show

13. An estate agent who, on account of permission granted to him or her in terms of section 10 displays estate advertisements which serve as direction or road indicators to an immovable property for the purpose of a show, must comply with the requirements intended in section 12(1) and also comply with the following requirements:

- (a) the facing side of such advertisement may not exceed a surface area of more than 500cm^2 ;
- (b) no more than two such advertisements may be displayed on the same side of one street block, of which not more than one shall be within 10 meter from the kerb of any street crossing;
- (c) such advertisement shall only be displayed between the hour of 4 o'clock in the afternoon preceding the day of the show, until 9 o'clock of the morning of the day directly after the day on which such show was held.

14. Keeping of Records

14. (1) Each estate agent must continually keep a register of each estate advertisement displayed by him or her in terms of an approval granted in terms of section 10, and such register must record a description of the place where each such advertisement was placed as well as the date and time when it was placed and removed thereafter.
- (2) Such register intended in subsection (1) above, must be open to inspection by the Council at the place of the business of such estate agent.

CHAPTER 4 OFFENCES

15. Offences in terms of this By-Law

15. (1) Any person who displays or causes or suffers to be displayed any advertisement, estate advertisement or election advertisement in view of any street or other public place or who scatters, places, distributes, causes or suffers to be scattered, placed or distributed, any pamphlet without having obtained approval to do so in terms of section 2 or section 10, as may be applicable, and any person who, having obtained approval as aforesaid, fails in respect of an advertisement, estate advertisement, election advertisement or pamphlet to comply with any requirement contravenes any provision of these by-laws or will be guilty of an offence and liable on conviction to a penalty not exceeding R2 000 or three months imprisonment.
- (3) The Council is entitled without giving notice to anyone, itself to remove or destroy any advertisement or estate advertisement displayed without its approval having been obtained in terms of section 2 or section 10, as may be applicable, or in contravention of any provision of these by-laws or which has not been removed within the period specified in terms of section 5 (1) (e) or 6 (3), and the person who displayed such advertisement or estate advertisement, or caused, permitted or suffered

it to be displayed shall be liable to refund to the Council the cost of the said removal and destruction, and in addition shall be guilty of an offence.

16. Damage to Municipal Property

16. No person may cause any damage to any tree, electric pole or any other municipal property, and any person who causes any damage, or permits any damage to be caused will be guilty of an offence and shall be responsible, in addition to the fine imposed, to repair any damage at his or her own expense to the satisfaction of the Council.

CHAPTER 5 GENERAL PROVISIONS

17. Temporary Advertisements and Pamphlets By-Laws

17. These by-laws will be known as the Temporary Advertisements and Pamphlets By-laws.