



STELLENBOSCH MUNICIPALITY

OUTDOOR ADVERTISING AND SIGNAGE POLICY

To provide a set of regulations governing the use of land and buildings for outdoor advertising and signage for matters incidental thereto.

PREAMBLE

The object of this By-Law is to regulate outdoor advertising in the jurisdiction of the Stellenbosch Municipality in a manner that is sensitive to the environmental quality of different parts of the Municipal area. It seeks to strike a balance between outdoor advertising opportunities and economic development on the one hand, and the conservation of visual, tourist, traffic safety, environmental and heritage characteristics on the other hand. The object of this By-Law is to ensure that outdoor advertising respects the integrity of any site on which it is displayed, and complements the character of the locality in which it is displayed.

The sensitivity of the proposed locality of a sign and its capacity to withstand the visual impact are the most important guiding principles for the control of outdoor advertising. Outdoor advertising signs should only be placed where they are most compatible with the surrounding locality and where they do not impact on visual corridors and/or scenic drives. Signs that compromise protected, unique or sensitive areas will not be allowed.

In addition, outdoor advertising and signs should not compromise the functioning and safety of traffic and should not adversely affect the character of a locality by way of appearance, size or illumination.

Advertising on bridges, towers, telecommunication masts or pylons will not be permitted.

The types of landscapes, signs and areas of control are important factors in the classification concept utilized in this By-law. This By-Law presumes that the type of sign gives an indication of the potential impact of such a sign on the locality in which it will be displayed.

Thus in terms of this By-Law the local character of an area in which a sign is proposed will affect the degree of control applied in that area.

This By-Law recognizes that the dynamics between the type of the sign, the sign itself and where it is to be located can most effectively be dealt with by the determination of areas of control. Three areas of control are applied in this By-Law namely maximum, partial and minimum areas of control. Control measures are applied by means of approval or refusal, and by means of general and specific conditions and requirements.

The following signs are outdoor signs but which, without third party advertising, do not constitute outdoor advertising within the ambit of this By-Law:

- (i) Authorised tourist destination signs as defined by the Roads Traffic Manual
- (ii) Community information/educational boards
- (iii) Any sign required to be displayed by law including road traffic signs erected in terms of any Act of Parliament, Provincial Law or By-Law.

Finally, this By-Law sets out the procedures to be followed and the criteria used when obtaining approval for a sign applicable to outdoor advertising in the Stellenbosch Municipal area. In doing so, it recognizes that there is an extensive amount of technical detail applicable to specific sign types and their effect in specific localities.

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1. DEFINITIONS

In these Bylaw –

“Advertisement” means any representation of a word, name, letter, figure or object or an abbreviation of a word or name, or any sign or symbol, or any light which is not intended solely for illumination or as a warning against any danger, which has its object the furthering of any industry, trade, business undertaking, event, or activity of whatever nature and which is visible from any street, road or public place.

“Advertising Policy” means the Bylaw on Outdoor Advertising as adopted by the Council of the Stellenbosch Municipality, as amended from time to time and any reference to policy in connection with outdoor advertising shall be construed to be a reference to this bylaw.

“Advertising signage structure” means any physical structure built to display advertising.

Advertising vehicle” means a vehicle constructed or adapted for use primarily for the display of advertisements.

“Aerial advertisement” means any advertisement displayed in the air by the use of a balloon, kite, inflatable devices, aircraft or any other means.

“Animated advertisement” means an electric advertisement that contains variable messages in which representation is made by the appearance of movement through an electric light source or beam.

“Applicant”(For the purpose of Locality Bound Advertising) means the person/s by whom an application for permission to erect a sign or display an advertisement is made, which application shall be endorsed by the owner of the premises upon which such advertisement or sign is to be located.

“Applicant”(For the purpose of Non Locality Bound Advertising) means the registered owner of the property.

“Application” in relation to advertising sign/s may include all proposed advertising signs.

“Appropriate” means that the dimensions, installation, materials, place and/or supports are suitable for- and appropriate in all circumstances of the case in the opinion of the delegated official for advertising signs.

“Approval” means approval by the Stellenbosch Municipality or its duly delegated officials.

“Area of Control” reflects the degree of control to be applied to a certain landscape or part thereof which is a refinement of basic landscape sensitivity and includes those areas as defined and set out as maximum, partial or minimum control in the Council’s Bylaw on Outdoor Advertising, in accordance with the visual sensitivity of the area and traffic safety conditions.

“Billboard” means any screen, board, hoarding, fence, wall or free standing structures used or intended to be used for the purpose of posting, displaying or exhibiting any remote advertisement

“Bill-sticking” means any advertisement including a poster pasted by means of an adhesive directly onto an existing surface not intended specifically for the display of a poster

“Bit” means the basic unit for measuring the length of advertising messages and may consist of letters, digits, symbols, logos, graphics or abbreviations

“Canopy” means a rigid roof-like projection from the wall of a building

“Cantilever” means a projecting feature that is dependant for its support on the main structure of a building without independent vertical or other supports

“Change of Face” means an alteration to the content of the advertisement displayed on an approved signage structure

“Clear height” in relation to a sign means the vertical distance between the lowest edge of the sign and the level of the ground, footway or roadway immediately below the sign

“Council” means the Council of the Stellenbosch Municipality or Municipal area as reflected in current legislation, or its legal successor, or any officer employed by the Council, or any committee designated by the Council, acting by virtue of a delegated authority vested in him/her or it by the Council in connection with this Bylaw

“Curtilage” is the whole of the area of land within the boundaries of the subdivision/s forming the site of any building

“Depth of a sign” means the vertical distance between the uppermost and lowest edges of the sign

“Deemed to comply” means that if an advertising signage structure meets certain specified criteria it may be deemed to satisfy the requirements of the Council for consent purposes

“Designated areas” are areas of maximum, partial or minimum control that have been specifically designated in the bylaw for the display of various types of advertising signs as amended from time to time

“Display” means to erect and/or expose an advertising sign or structure to the public view by any method whatsoever

“Electronic sign” means a sign that has an electronically controlled, illuminated display surface which allows the advertisement to be changed, animated or illuminated in various ways

“Election advertisement” means an advertisement used in connection with any national, provincial, or municipal election, by-election or referendum

“Encroaching sign” means a sign or portion of a sign which extends over Council property

“Environmental Impact Assessment” in relation to outdoor advertising means an assessment of the impact that an advertising sign or structure may have on the visual, social and traffic safety aspects of the specific environment

“Estate agents’ board or show sign” means an advertisement that is temporarily displayed to advertise that land, premises, development or other fixed properties are for sale or to let

“Flag” means an advertisement or sign displayed on a cloth, canvas, PVC or like material which is attached to a staff with no rigid fixings

“Flashing Advertisement” means an electric advertisement which intermittently appears and disappears

“Flat sign” means any wall sign, other than a projecting sign, which is directly attached to the face of an external wall of a building or structure

“Gore” means the point at which the left edge of the main road meets with the right edge of an on-ramp or off-ramp at an interchange.

“Ground Sign” is a self-supporting sign embedded and fixed in the ground and which is not attached to a building or a wall

“Illuminated Advertisement” means an advertisement which is illuminated, by any means whatsoever with electrical current or is otherwise made luminous

“Locality-Bound Sign” means a sign displayed on a specific premises or site, which refers to an activity, product or service located on the premises or site

“Non Locality-Bound Sign” means that the content of such advertisement is unrelated to any activity, product or service being undertaken on the premises or site on which such advertisement is displayed

“Non-profit body” is a body established to promote a social goal without the personal financial gain of any individual or profit-making commercial organisation involved, which has obtained the relevant certificate from National Government

“Occupier” includes any person in actual occupation of land or premises without regard to the title under which he/she occupies

“On site or directional” in relation to any advertisement means that such advertisement conveys only the name and the nature of the industry, trade, business, undertaking or activity which is carried on within the building or premises on which the advertisement is displayed

“Overall height” in relation to a sign, means the vertical distance between the uppermost edge of the sign and the natural ground level

“Owner” in respect of a sign means the owner of the sign or of the premises on which it is displayed or the person in possession of or having control over the sign or the premises

“Portable board” is any self-supporting sign or any other collapsible structure which is not affixed to the ground and which is capable of being readily moved

“Posters” means any placard intended to be temporarily displayed in a street or public place as an announcement of a meeting, function or event

“Premises” means any building together with the land on which such building is situated

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

“Projecting sign” means any sign which is affixed at right angles to a wall of a building and protrudes more than 300mm from the wall of such building

“Public Place” includes all property, whether movable or immovable, which is owned by, vests in or is under the control of the Municipality, Local or National Government and to which public has access

“Remote or third party advertising” means that the content of such advertisement is unrelated to anything being undertaken on the premises on which such advertisement is displayed

“Return Wall” means any external wall of a building or any other wall, which faces any boundary other than a street façade

“Road Reserve” means the area contained within the statutory width of a road

“Road Traffic Act” means the National Road Traffic Act, 1996 (Act No.93 of 1996) and the Regulations promulgated in terms of this Act, as amended from time to time

“Road Traffic Sign” means any road traffic sign as defined in the Road Traffic Act

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

“SAMOAC” is the South African Manual for Outdoor Advertising Control, a national guideline document compiled and published in 1998 by the Department of Environmental Affairs and Tourism, and as amended from time to time

“Sign” means any signboard, structure, device or anything used, intended or adapted for the display of an advertisement

“Signalised traffic intersection” means an intersection controlled by traffic lights

“Sky sign” means a sign on top of a skyscraper building higher than fifteen floors located within the municipal area and which forms an important landmark

“Specific consent” means the written approval of the Council and any other relevant Provincial or National Government which requires a submission of a formal application

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

“Street name signs” means any sign or advertisement displayed in combination with street naming

“Temporary sign” means any sign or advertisement displayed for a temporary period at the discretion of the Municipality

“Tri-vision” means a display, which through the use of a triangular or louvre construction, permits the advertising of three different copy messages in a predetermined sequence

“Under-awning sign” means a sign suspended or attached to the soffit of a canopy or Verandah

“Veranda” is a roofed structure attached to or projecting from the façade of a building and supported along its free edge by columns or posts

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

“Yellow line break point” means the point at which the yellow left edge line on the main road meets with the continuity line at an on-ramp or off-ramp at an interchange

“Zone” means the land use zone as defined in the Town Planning and Zoning Schemes applicable to the Stellenbosch Municipal area.

2. TYPES OF SIGNS

A. BILLBOARDS

1. Every person who wishes to erect or cause to erect a billboard advertisement shall submit to the Council a written application on the prescribed form and pay the prescribed fee. Such application shall, at Council's discretion, be accompanied by an Environmental Impact Assessment in the case of billboards in excess of 36m² and/or for smaller billboards at the Council's discretion.
2. Billboards may be permitted only in urban areas of minimum control and in urban areas of partial control at Council's discretion, subject to specific consent and assessment of their environmental impact as required which shall include the visual, social and traffic safety aspects.
3. All non-locality bound billboards shall clearly be identified in terms of ownership.
4. Any billboard so displayed shall:
 - 4.1 comply with all legal requirements of the Road Traffic Act where applicable;
 - 4.2 comply with any other applicable National, Provincial or Local Government legislation and policy including this Bylaw;
 - 4.3 not be detrimental to the nature of the environment in which it is located by reason of scale, intensity of illumination or design;
 - 4.4 not unreasonably obscure partially or wholly any approved sign previously erected and legally displayed;
 - 4.5 not constitute a danger to any person or property;
 - 4.6 not encroach over the boundary line of the property on which it is erected; and
 - 4.7 not be erected if in Council's opinion such billboard is considered by Council, Provincial- or National Government to be a distraction to drivers, cyclists or pedestrians which could contribute to unsafe traffic conditions.

5. Billboards shall -

- 5.1 be so placed to screen unsightly premises and not to detract from the amenities of the neighbourhood by reason of their appearance or the use to which they are put;
- 5.2 be spaced at least 120m; 200m or 250m apart on either side of the road/s or freeways, where the speed limit is < or = 60km/h; 61-80km/h or 81km/h+ respectively. These requirements represent minimum requirements and Council may require more onerous spacing requirements given the visual sensitivity of the area concerned, having regard to main and minor roads through rural and farming areas;
- 5.3 not be erected within a distance of 50m from the nearest edge of an intersection on a lower order road and 100m from the nearest edge of an intersection on an arterial road;
- 5.4 not be erected within a distance (measured along the road) of 50m; 100m; 150m or 200m from any ramp gore and any yellow line break point at an interchange where the speed limit is < or = 60km/h; 61-80km/h; 81-100km/h or 100km/h+ respectively;
- 5.5 not be erected within 50m; 100m or 200m from any road sign or overhead traffic directional sign where a speed limit has been imposed of < or = 60km/h; 61-80km/h or 81km/h+ respectively;
- 5.6 not have an overall height in excess of 7m in landscape format or 12m in portrait format above the surface of the natural ground level;
- 5.7 not have an area in excess of 81m² in the case of ground signs;
- 5.8 have a maximum of 6 bits of information and a minimum lettering height of 500mm;
- 5.9 not have as its main colours, red or amber or green when located at signalised traffic intersections and shall not obscure or interfere with any road traffic light or sign;
- 5.10 not constitute a road safety hazard or cause undue disturbance or permitted to be illuminated if such illumination, in the opinion of Council, constitutes a road safety hazard or causes undue disturbance; and
- 5.11 ensure that the traffic flow is not impeded on public roads during their erection and servicing, unless prior permission from the Council has been obtained and the necessary precautions taken and arranged.

B. GROUND SIGNS

1. Only one on-site, locality bound, freestanding ground sign per premises shall be permitted where such a sign is necessary to facilitate the location of the entrance or access to a business premises; or where it is not reasonably possible to affix appropriate signs to the building; or where the business premises is so set back as to make proper visibility of signs on the building not feasible; or where the existence of a freestanding composite sign may prevent the proliferation of signage.
2. On-site, locality bound freestanding ground signs in the form of business signs and tower structures shall be permitted provided that no such sign shall;
 - (a) exceed 7m in overall height;
 - (b) have a clear height of less than 2,4m;
 - (c) exceed 12m² (measured as total height x total width of the advertising structure) when such sign is a combination sign;
 - (d) be restricted to one such sign per site per street frontage or as otherwise permitted at Council's discretion; and
 - (e) contain advertising matter other than exclusively directional on more than 50% of the area of any face thereof.
3. A remote, non-locality bound ground sign which does not have an overall height in excess of 7m above the ground at any point nor dimensions which exceed 6m in length and 3m in height, a total area of 18m² per face, shall be deemed to be of appropriate dimensions; provided that a ground sign which has greater dimensions shall not be erected unless, in the opinion of the Council, such sign screens premises which detract or likely to detract from the amenities of the neighbourhood by reason of their appearance or the use to which they are put. Any area between such ground signs and the street line shall be grassed or otherwise ornamented at the expense of the applicant to the satisfaction of the Council.

C. WALL SIGNS

1. Flat signs

- 1.1 Flat signs shall at no point project more than 300mm from the surface of the wall to which they are attached. The maximum projection of any part of a flat sign shall be 180mm where the underside of such sign measures less than 2,4m from a footway or pathway immediately below it and the maximum projection shall be 300mm where the underside of

such sign measures more than 2,4m above such footway or ground level.

- 1.2 On-site, locality bound flat signs shall be permitted to be attached to the front, side and back walls of buildings; non-locality bound flat signs shall only be permitted to be attached to the side and back walls of buildings which do not fulfill the function of a building facade.
- 1.3 Only one flat sign per enterprise per wall shall be permitted or as otherwise permitted at Council's discretion.
- 1.4 Flat signs shall not cover any windows or other external openings of a building or obstruct the view from such openings.
- 1.5 Flat signs shall not exceed 54m² in total area or exceed 30% of the visible wall surface area to which they are attached, affixed or painted, whichever is the lesser, provided that in urban landscapes of partial to maximum control, the signs may not exceed 20% of the visible wall surface area.
- 1.6 An Environmental Impact Assessment shall be required for all flat signs in excess of 36m².
- 1.7 Flat signs shall not extend beyond the ends of the wall to which it is attached in any direction.
- 1.8 Locality bound flat signs shall not contain advertising matter other than exclusively directional on more than 50% of the area of any face thereof.
- 1.9 Non-locality bound advertising signs shall only be permitted on blank return and back walls that have no openable sections or that compromise any architectural features.

2. Projecting signs

- 2.1 The minimum clear height of a projecting sign shall be 2,4m.
- 2.2 Projecting signs shall be 300mm in maximum thickness.
- 2.3 Projecting signs shall not be allowed to extend beyond the ends of the wall to which they are attached.
- 2.4 Projecting signs shall not be allowed to extend within 450mm of the edge of a roadway; nor extend within 1,5m from any overhead electricity wires or cables.

- 2.5 The maximum projection shall be 1,5m in the case of a projecting sign which has a clear height of more than 7,5m; and 1m where the sign has a clear height of less than 7,5m.
- 2.6 Projecting signs shall be installed at right angles to the street facade or to the direction of oncoming traffic.
- 2.7 All projecting signs shall be locality bound.
- 2.8 A projecting sign shall not be displayed within 5m of any other projecting sign displayed on the same building.
- 2.9 Projecting signs shall not contain advertising matter other than exclusively directional on more than 50% of the area of any face thereof.

D. ROOF SIGNS

1. Roof signs shall only be permitted in industrial zones; only locality bound roof signs shall be permitted and only with the specific consent of the Council.
2. The maximum permitted size of a roof sign shall depend on the area of the specific roof, the character of the building and the urban- and streetscape as a whole.
3. Roof signs shall not project in front of a main wall of a building so as to extend beyond the roof of such building in any direction.
4. Roof signs shall not obstruct the view or affect the amenity of any other building.
5. Roof signs shall be placed in such a manner so as not to interfere with the run-off of rainwater from the roof of the building.
6. Roof signs shall be thoroughly secured and anchored to the building on or over which they are to be erected and all structural loads shall be safely distributed to the structural members of the building without the use of guys, stays or other restraining devices.
7. A roof or sky sign, including all its supports and framework, shall be constructed entirely of non-combustible materials approved by the Council or its duly authorised official/s and if illuminated, shall not be placed on or over the roof of any buildings unless such sign, as well as the entire roof construction, is of non-combustible material.
8. Roof signs shall not contain advertising matter other than exclusively directional on more than 50% of the area of any face thereof.

E. SKY SIGNS

1. Sky signs shall only be permitted at landmark sites in areas of minimum control and only with the specific consent of the Council.
2. The location and maximum permitted size of a sky sign shall depend on the character of the building, the urban and streetscape and shall be at Council's discretion.
3. Sky signs shall not project in front of a main wall of a building so as to extend beyond the roof of such building in any direction.
4. Sky signs shall not obstruct the view of - or affect the amenity of any other building.
5. Sky signs shall be placed in such a manner so as not to interfere with the run-off of rainwater from the roof of the building.
6. Sky signs shall be thoroughly secured and anchored to the building on or over which they are to be erected and all structural loads shall be safely distributed to the structural members of the building without the use of guys, stays or other restraining devices.
7. A sky sign, including all its supports and framework, shall be constructed entirely of noncombustible materials approved by the Council or its duly authorised official/s and if illuminated, shall not be placed on or over the roof of any buildings unless such sign, as well as the entire roof construction, is of non-combustible material.

F. VERANDA, BALCONY, CANOPY & UNDER-AWNING SIGNS

1. Signs may be affixed flat onto or painted on a parapet wall, of a veranda or balcony, and beam or fascia of a veranda or balcony. Such signs may not exceed 1m in height, project beyond any of the extremities of the surface to which it is affixed, or project more than 300mm in front of the surface to which it is affixed or extend within 450mm of the edge of a roadway unless the clear height of such sign is a minimum of 3.7m.
2. Signs shall not be allowed on or over architectural features of buildings nor shall they be allowed to cover any window or obstruct the view from any such opening nor shall they detract from the aesthetics of the building.
3. Under-awning signs suspended below the roof of a veranda, canopy or balcony shall,

- (a) be 1,8m in length, 610mm in height and 300mm in thickness, with a minimum thickness of 100mm;
 - (b) have minimum height of 2,4m above the pavement, footpath or street;
 - (c) have their axis of symmetry at right angles to the street line;
 - (d) be centralized within the width of the verandah or canopy to which it is attached;
 - (e) be allowed with a minimum spacing of 3m centre to centre between signs;
 - (f) contain advertising matter other than exclusively directional on more than 50% of the area of any face thereof.
4. Sun-blinds and awnings shall be so made and fixed as to be incapable of being lowered to less than 2,2m above the footway or pavement directly beneath it. Such signs shall be parallel to the building line and placed in a manner so as not to interfere with vehicular or pedestrian traffic, traffic lights or traffic signs in any way.

G. POSTERS, BANNERS & FLAGS

1. Every person intending to display or cause or permit to be displayed any advertisement on a poster, banner, flag or media format advertising any meeting, function or event of a sporting, civic, cultural, social, educational, religious, charitable, political or other similar character in any street or public place or on Council property shall have first obtained the written permission of the Council.
2. Every person intending to display or erect any temporary advertisement or sign, for which the prior written permission of the Council is required, shall submit a written application to the Council, which shall be accompanied by the following;
 - a) applications to be submitted in duplicate, 21 days prior to commencement of the event,
 - b) the minimum requirements as detailed in the pre scrutiny checklist,
 - c) the prescribed fee as legislated in terms of 75(A) of the Municipal Systems Act,
 - d) proof of advertisement to which the application relates, prior to printing, and

- e) distribution list of the streets in which the advertisements are to be displayed.
3. Any person who displays or causes a poster, banner or flag advertisement to be displayed shall comply with the following requirements to the Council's satisfaction:
- 3.1 Any advertisement relating to an election, meeting, function or event shall be of maximum A1 size; shall have a clear height of minimum 2,4m; and shall be securely fixed to durable hardboard or other approved backing board or any other material, frame and/or fixing as approved by Council.
 - 3.2 In the case of private property, where the event, function or meeting is taking place, the maximum size of a banner shall be 6m².
 - 3.3 Any person/s displaying or causing to display any poster advertisement relating to a meeting, function or event shall only be permitted;
 - (a) one poster per electricity lamp-post;
 - (b) a minimum of 120m spacing between posters for the same event;
 - (c) to be displayed for no longer than 14 calendar days prior to commencement of the event or no longer than three calendar days after the day on which it ends, subject to the maximum period for each event not exceeding 21 calendar days; and
 - (d) subject to commercial advertising not occupying more than 10% of the surface of the advertisement and which is to be displayed at the bottom of the poster.
 - 3.4 No posters are permitted to be displayed on bridges, traffic lights, traffic signs (includes supporting structure for such signs), natural features, trees, freeways and/or national routes.
 - 3.5 No posters are permitted to be displayed on roads with a speed limit >60km/h.
 - 3.6 Any advertisement relating to an election, meeting, function or event shall not be placed in such a manner that the content of separate advertisements when read in succession, forms a continuous relative legend.

- 3.7 Any advertisement relating to an election, including the tariff applicable to such election advertisements, shall be on the basis of a written agreement between the Council and the relevant political party/parties. In the event of there being no such agreements, election posters shall only be permitted for no longer than 45 calendar days before the election and shall also be removed within 10 calendar days after the election.
- 3.8 Positioning of posters shall be restricted to electricity lamp standards and no posters shall be erected on any signalised traffic light or traffic sign (includes supporting structure for such signs).
- 3.9 Temporary advertisements are not permitted to be erected or displayed on any National Roads, Highways, Freeways and other areas as defined by the Council.
- 3.10 Every poster for which permission is granted shall visibly display the Municipality's sticker or marking and the Municipality shall be entitled to retain one such poster for identification purposes.
- 3.11 Every poster must comply with the poster guidelines as amended from time to time.
- 3.12 Posters erected on Electricity Poles are subject to removal and maintenance work as necessary without giving notice to anyone.

H. AERIAL ADVERTISEMENTS

1. Every person who wishes to display or cause to display an aerial advertisement, except by means of an aircraft, shall submit to the Council a written application on the prescribed form and pay the prescribed fee and such application shall be accompanied by:
 - 1.1 Particulars of the content and dimensions of the aerial advertisement and of the aerial device by means of which the advertisement is to be displayed as well the materials used and method of construction and anchorage;
 - 1.2 Particulars of the intended location with a description of the premises to which the aerial device will be anchored or tethered and details of electricity and telephone poles and cables and other structures within 30m or length of tether, whichever is the greater, of the point of anchorage;
 - 1.3 The name and address of the person/s or contractor/s displaying the aerial advertisement and the name and address of the approved competent person in attendance of the aerial device and of its owner;

- 1.4 The period and times of intended display;
- 1.5 Where the applicant is not the owner of the premises to which the aerial device is to be anchored or tethered, the written consent of the owner for such anchoring;
- 1.6 Proof of the provision of an automatic deflation device;
- 1.7 Adequate public liability insurance to the Council's satisfaction; and
- 1.8 Approval and any conditions and requirements prescribed by the national Civil Aviation authority.
- 1.9 Aerial advertisements shall be permitted for events of a sporting, civic, cultural or political nature only and shall not be displayed or caused to be displayed on, from or over Public property, including any street or public place, unless approval has been granted by the Council who may impose such conditions as it deems fit.

I. ADVERTISING VEHICLES

1. Every person who wishes to display or cause to display any advertisement on an advertising vehicle shall annually submit to the Council a written application on the prescribed form and pay the prescribed fee for permission and every such application shall be accompanied by:
 - 1.1 Particulars of the materials of which the advertising sign is made, its dimensions, and the manner of its construction and the method by which it is secured to the advertising vehicle;
 - 1.2 The name, address and telephone number of the owner of the vehicle or, if the owner resides or has his place of business outside the boundaries of the Council, of the person having control of the vehicle at all times;
 - 1.3 A copy of the current vehicle licence and registration certificate issued in respect of such vehicle, as required in terms of the Road Traffic Act, and
 - 1.4 Public liability insurance in Council's favour of minimum R2,5 million.
2. Advertising vehicles shall not be placed or caused to be placed/parked on private property or public property, including any demarcated parking bay, in a public road or within a road reserve.
3. Advertising Vehicles parked on private property for the purpose of storage shall be positioned in such a manner as not to be visible from any street or public place.

4. The advertising panel or portion of the vehicle used for transit advertising shall not exceed a cumulative total of 18m² per panel.
5. Notwithstanding any provisions of this Policy, the Municipality or its authorised officials may, without prior notice, remove an Advertising Vehicle from Council Property, and in the case of an unauthorised Advertising Vehicle on private property, the Council may serve notice instructing the immediate removal thereof; failing which the Council may, without a court order, enter onto the private property concerned to remove or arrange for the removal of the Advertising Vehicle.
6. Unless an advertising vehicle impounded by the Council in terms of subsection 5 has been reclaimed within a period of three months from the date of notification, such vehicle shall be disposed of by the Council to defray any costs involved. Impounded Advertising Vehicles shall only be released by Council after all removal costs and fines have been paid in full and a copy of the current licence registration papers have been submitted for verification.
7. Approval of any Advertising Vehicle shall be in accordance with conditions as imposed by the Council.

3. APPLICATION SUBMISSION

Unless other wise indicated, all sign types on private property are subject to Council's consent. All sign types on Council property are subject to Council's consent and any other procurement procedure as approved by Council. Specific or deemed consent requirements are prescribed in this Bylaw. The procedure to be followed for application and approval is clearly set out in this Outdoor Advertising Signage Bylaw. Approvals may be subject to certain technical requirements and conditions to be met and in certain high profile locations approval of third party advertising may include donation of a portion of the time and/or space to be made available to promote activities that are connected with the function of Stellenbosch Municipality, such as water or electricity saving campaigns. An Environmental Impact Assessment may be requested for any sign in excess of 36m².

- 3.1 Every person intending to display, erect, alter or maintain any advertisement or sign, for which the prior written permission of the Council is required, shall submit a written application to the Council which shall be accompanied by the following;
 - a) Applications to be submitted in duplicate,
 - b) The minimum requirements as detailed in the pre scrutiny checklist,
 - c) The prescribed fee as legislated in terms of 75(A) of the Municipal Systems Act,

- d) Such other additional drawings, Environmental Impact Assessments and/or
 - e) Photographs as are necessary, in the opinion of the Council, to explain the true nature and scope of the application.
- 3.2 In certain circumstances, the Council may use discretion to accept drawings that show only a portion of the plan or elevation of a building/s, or drawings to a smaller scale, or computer generated graphics drawn to scale to illustrate the proposal where certain drawings may be difficult to provide or even photographs where this is considered sufficient.
- 3.3 In addition, the applicant shall submit additional structural and other drawings and certification as required giving full details of the calculations, size and materials used in the supporting framework, its fixings, securing and anchorage as well as for the structure and its advertisement to ensure the sign's structural stability, fire and safety compliance with the provisions of the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977) as well as the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993); as amended from time to time.
- 3.4 In addition, the applicant shall indemnify the Council against any consequences arising from the erection, display or mere presence of such advertising sign.
- 3.5 All signs to be erected or displayed must comply with the provisions of the applicable Town Planning/Zoning Scheme Regulations, the Road Traffic Act, as well as any other relevant legislation, as amended from time to time.
- 3.6 In considering applications, in addition to any other relevant factors, the Council shall ensure that the design and display of all advertising signs conforms to Council's Policy on Advertising and to SAMOAC's guidelines for the control of advertising in terms of the general conditions and principles as set out in these documents, as amended from time to time.
- 3.7 The Council may refuse an application or grant its approval, subject to such conditions, as it may deem expedient but not inconsistent with the provisions of the Bylaw on Outdoor Advertising, as amended from time to time.
- 3.8 An approval or refusal of an application by the Council shall be made in writing with reasons provided within 90 days of a complete application having been submitted in terms of the Bylaw.
- 3.9 On approval, a complete copy of the application as submitted, shall be retained by the Council for record purposes.
- 3.10 Any advertisement or sign erected or displayed shall be in accordance with the approval granted and any condition or amended condition imposed by such approval; and the person who erects an approved sign shall notify Council within 14 days of such sign or advertisement being erected.

- 3.11 The person/s to whom permission has been granted for the display of any advertisement or sign, which extends beyond any boundaries of any street or public place shall indemnify the Council in respect of the sign and be liable to Council for the prescribed legislated tariff of fees.
- 3.12 Approval of all advertising signs shall be at the pleasure of the Council and will endure for a period as may be determined by the Council either in relation to the advertising structure or to the advertising content or both, provided that such period shall not exceed 5 (five) years from date of approval, where after a new application for consideration must be submitted to the Council for consideration in terms of this Outdoor Advertising Signage Bylaw.

4. APPLICATION ASSESSMENT CRITERIA

4.1 AREAS OF CONTROL

The Bylaw differentiates between degrees of control according to the sensitivity of the environment. Natural and rural landscapes are defined as areas of maximum control due to their sensitivity and visual impact. Urban landscapes are defined in terms of all three areas of control owing to the varying nature and degree of sensitivity of the urban landscape and to the considerable demand for advertising in urban areas. The table shows the relationship between areas of maximum, partial and minimum control and the basic landscape types.

MAXIMUM			PARTIAL	MINIMUM
Natural landscape	Rural landscape	Urban landscape	Urban landscape	Urban landscape
<ul style="list-style-type: none"> • National Parks • Nature Reserves • Forestry areas Natural environments • Extensive agriculture • Scenic corridors • Scenic landscape • River corridors • Wetlands • Open Spaces • Areas with visually pleasing backdrops of the mountains 	<ul style="list-style-type: none"> • Municipal Parks • Horticultural areas • Private Open Spaces • Public Open Spaces • Rural small Holdings • Intensive Agriculture • Vineyards • Scenic drives • Scenic routes • Scenic features • Peri-urban areas 	<ul style="list-style-type: none"> • Urban Open Space Systems • Private Open Spaces • Public Open Spaces • Pedestrian malls • Pedestrian squares • Urban small holding • All Residential zones • Scenic features Scenic drives • Gateways • River corridors • Wetlands • Conservation Areas, Heritage • Sites • Historic or conservation areas • Historic or graded buildings and areas • Visual zones along urban freeways 	<ul style="list-style-type: none"> • Central Business Districts • Commercial & office components of residential amenities • Commercial enclaves in residential areas • Commercial nodes & ribbon development Community facilities • Municipal / Government • Entertainment districts or complexes • Educational Institutions • Sports fields & stadia • Mixed use & interface areas • Visual zones along urban roads 	<ul style="list-style-type: none"> • Central commercial districts linked to railway/industrial zones • Industrial zones • Transport nodes • Traffic corridors • Transportation • Terminals

Further considerations inherent to these policy directives are that:-

- each section of road requires careful consideration as to whether it lends itself as being appropriate for advertising;
- all intersections are regarded as interface areas having regard to the safety considerations; and
- interface areas and signs adjacent to one route and aimed at another will be considered by means of two levels of assessment.

4.1.1 Areas of Maximum Control

This area of control comprises all sensitive areas of the urban landscape including natural- and conservation areas and historical sites, historic or conservation areas, scenic routes, parks, reserves and open space areas; gateways and high profile tourist areas; ocean, beaches and rivers; agricultural, peri-urban and most of the residential environment.

All signs will be strictly controlled in these designated areas to ensure that advertising signage does not intrude into, dominate or derogate in any way from the character or quality of the environment. High impact signage will therefore not be permitted in areas of maximum control. The areas of maximum control shall be limited to areas demarcated as such in Schedules 1 and 2 of this By-Law.

4.1.2 Areas of Partial Control

This area of control comprises certain areas of the urban landscape to include most commercial and business districts outside of the historical or conservation areas; commercial nodes within suburban centres and traditional areas; educational, institutional, sports fields on institutional properties and stadia, arterial routes; mixed use and interface areas. Advertising will only be permitted after careful evaluation of the environmental impact and limitation on the size, position and the number of signs permissible will be regulated.

4.1.3 Areas of Minimum Control

This area of control comprises areas of the urban landscape that include transport nodes, traffic corridors and spines; transportation terminals, parts of the CBD outside the conservation areas and entertainment nodes; industrial areas. Third party and high impact advertising signage will be permitted in this area subject to compliance with the conditions and principles for control.

5. STANDARD CONDITIONS FOR APPROVAL

5.1 STRUCTURAL REQUIREMENTS

- 5.1.1 All signs shall be properly constructed of the requisite strength and shall be secure and shall comply with the requirements pertaining thereto of the National Building Regulations and Standards Act 103 of 1977 as amended from time to time.
- 5.1.2 The Applicant to whom approval has been granted and the owner of the property or building to which it is attached shall be jointly and severally liable for the maintenance thereof and shall undertake at least one inspection per year thereof with a view to satisfying themselves as the safety thereof.
- 5.1.3 Where any sign becomes torn or damaged or otherwise falls into a state of disrepair, the applicant to whom the approval has been granted and the owner of the fixture or property which or to which a sign is attached shall within 7 working days of a notice to do so, repair it.
- 5.1.4 All signs and their support structures shall be constructed of incombustible, durable materials suited to the function, nature and permanence of the sign.
- 5.1.5 All glass used in a sign, other than glass used in illumination, must be safety glass of at least 3mm thick.
- 5.1.6 Glass panels used in a sign must not exceed 0,9m² in area, each panel being securely fixed in the body of the sign, structure or device independently of all other panels.
- 5.1.7 Every sign and its support structure shall be kept in a state of good repair.
- 5.1.8 No sign may be placed covering any window or opening provided for ventilation of a building or obstruct any stairway or doorway or other means of exit from the building or prevent movement of people from one part of a roof to another.
- 5.1.9 No advertising structure shall be closer to overhead electrical equipment than the minimum distance as prescribed from time to time.

5.2 ELECTRICAL REQUIREMENTS

- 5.2.1 All signs needing an electrical connection must preferably be supplied from the existing electrical supply on the erf where it is to be erected. If this is not possible, application for metered electricity supply must be made to the relevant authority.
- 5.2.2 Every sign in connection with which electricity is used, shall be provided with suitable capacitors to prevent interference with radio and television reception.
- 5.2.3 Each power cable and conduit containing electrical conductors in respect of a sign shall be so positioned and fixed so that it is safe, unseen, inaccessible and child tamper proof and animal proof.
- 5.2.4 Each interior high-voltage installation that runs unattended (such as a window display) and each exterior high-voltage installation shall have an acceptable type of fireman's switch in accordance with the requirements as stipulated in Sections 6.7.2 and 7.5 of SABS 0142 1993 promulgated in terms of The Occupational Health and Safety Act.

5.3 ILLUMINATION REQUIREMENTS

- 5.3.1 The Municipality may approve an illuminated sign, provided that the provisions of this By-Law are complied with and that such illumination does not constitute a road safety hazard or cause undue light spillage.
- 5.3.2 Signs may not be illuminated if no sign content is displayed.

5.4 Requirement for internal illumination and/or electronic signs:

- 5.4.1 Internally illuminated and electronic signs containing third party advertising may only be displayed in areas of partial and minimum control and must be less than 2,1m². This size condition may be waived, UP to a maximum size of 4,5m² in any such area upon receipt of an Environmental and Heritage Impact Assessment showing no detrimental impact will be caused by the proposed display, or to any larger size specified by the Municipality in an area designated by the Municipality as a district in which illuminated or electronic signs are to be encouraged.
- 5.4.2 Electronic signs may not have subliminal flashes.
- 5.4.3 Prior to erection, the Municipality may require a Traffic Impact Assessment to be conducted, the results of which must indicate that no detrimental

impact on traffic is envisaged. In addition the Municipality may require subsequent traffic monitoring of any internally illuminated or electronic sign.

5.4.4 Requirements for external illumination:

5.4.5 The light source emanating from floodlights shall not be visible to traffic travelling in either direction.

5.4.6 Floodlights shall not be positioned so as to create any undue light spillage beyond the surface area of the sign.

5.4.7 Approved way leaves MUST be obtained from the electricity department prior to any excavations for the installation of signs. This also applies for signs to be erected in the vicinity of overhead power lines.

5.5 ROAD TRAFFIC SAFETY REQUIREMENTS

5.5.1 Signs may not be erected in an area where the Roads Authority is of the opinion that they are an unacceptable distraction for drivers or where drivers turn, negotiate curves or traffic merges, diverges or weaves.

5.5.2 Electronic signs shall not be permitted if they are visible from a class 1 road, gateway road or a scenic drive unless expressly approved in writing by the Road Authority.

5.5.3 Advertising on bridges, towers, telecommunication masts or pylons shall not be permitted.

5.5.4 Signs shall not be located within 50m of the perimeter of an intersection of a designated metropolitan road unless expressly approved in writing by the road authority.

5.5.5 The graphic content of signs shall not have the potential to be visually interpreted as a road traffic sign, due to any factor, including but not limited to the following:

- (a) any stylized or pictorial presentation of a road traffic sign or traffic signal;
- (b) any word, symbol, logo or other device used on a road traffic sign; use of combinations of colours specified for road traffic signs, in a manner likely to lead to confusion

6. APPEAL

The applicant may appeal in writing to the Council against any refusal, lack of decision or condition imposed by the duly authorised official/s or functionary of Council.

An appeal in terms of this BY-Law shall be lodged within 21 days of the date of the notification of Council's decision and shall be submitted in writing, (after paying the prescribed appeal fee) setting out the nature and grounds of the appeal, which shall be forwarded together with a covering report thereon for recommendation to the relevant appeal authority of Council for a final decision.

WAIVER: Council or its delegated official may waive compliance with any of the provision of this Bylaw only in exceptional circumstances and where it considers a proposal to be in the interests of the community or to be for the betterment and/or upliftment of society; provided that such waiver does not compromise the safety of the public.

7. WITHDRAWAL OR AMENDMENT OF APPROVAL

- 7.1 Every advertisement or sign displayed or erected under this Bylaw shall be deemed to be at the pleasure of the Council and the owner or person having possession or control thereof shall remove any advertisement or sign within 30 calendar days after receiving a written notice from the Council instructing that the sign be removed.
- 7.2 The Council 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 Council an advertising sign does not conform to the Stellenbosch Advertising Signage Bylaw and/or SAMOAC, as amended from time to time, or if the advertisement or sign does not comply with any of the conditions of the approval granted, or for any other reason Council may deem fit.
- 7.3 The Council may at any time revoke its approval for the display of an encroaching sign, giving notice in writing to the owner/applicant of such decision. The owner/applicant shall also advise the Council in writing giving details of any transfer of ownership of any encroaching sign.
- 7.4 An approved sign shall be erected within 6 months from the date of approval, where after such approval shall lapse unless written application for extension is made, which may only be granted for one additional period of 6 months.
- 7.5 Any application, which has been referred back to the applicant for amendment, shall be finalised within two months of the date of the referral notice, failing which the application shall lapse and new application fees shall be payable.

- 7.6 Permission for an advertising sign is granted to the applicant only and shall lapse if he/she ceases to occupy the premises or conduct the business or undertaking to which the sign relates.
- 7.7 An electronic or illuminated advertisement which, in the opinion of the Council, causes a disturbance to the occupants of any affected premises shall be altered in such a manner as prescribed by the Council in writing or be removed by the applicant/occupier within such period as may be specified by the Council.
- 7.8 The permission granted in respect of any advertisement or sign shall lapse when any alteration or addition is made to such advertisement or sign without the further approval of the Council provided that Council may approve minor alterations at its discretion by means of an endorsement on the original application.

8. SIGNS EXEMPTED

Should any sign not comply with the conditions relative to each sign type listed below, an application in terms of Section 3 shall be required.

Subject to compliance with the conditions relative to each sign type listed herein below, and any other applicable legislation, or condition imposed by the Municipality, no application for approval is required in terms of this By-Law in respect of:

8.1 Development Boards

- 8.1.1 Development boards shall be removed forthwith when the building operations are complete or forthwith if the building operations are discontinued, or when the provisions of the services, the doing of the work, or the supply of the goods to which the sign relates has ceased;
- 8.1.2 The Municipality may order the removal of any such sign if the building operations have been substantially completed or discontinued or an Occupancy Certificate has been issued by the Municipality, or the provision of the services, the doing of the work or the supply of the goods to which it relates, has for all practical purposes ceased, and such signs shall thereupon be forthwith removed but no later than 5 days after the date of the order for removal thereof;
- 8.1.3 If the premises on which building operations are in progress, are to be used wholly for residential purposes, only one development board shall be displayed and such development board shall not exceed 3m² in total area;
- 8.1.4 If the premises are not to be used wholly for residential purposes, no more than two development boards shall be displayed and the aggregate area of both development boards shall not exceed 5m² in total area;

8.1.5 If the signage, whether on freestanding boards, or flexible building covering material, include any other form of Third Party advertising, such sign must then comply with the provisions of Section 5 hereto and Municipal approval for the display thereof must first be obtained in terms of this By-Law.

8.2 To Let/For Sale Signs

These include any sign not exceeding 400mm x 500mm in total area displayed at existing premises or at properties upon which a new building is being erected and relating to accommodation being offered to rent or purchase in the building, on condition that any such sign shall be removed within 60 days after the date upon which the accommodation to which it relates is capable of occupation;

8.3 On Premises Business Signs

These include any unilluminated sign not projecting over a public road and not exceeding 0,2m² in total area notifying only the types of trade, business, industry or profession lawfully conducted by any occupant or permanent resident of the premises to which it is attached, the name of such occupant, the type of activity, the address and telephone number of such premises and the hours of attendance (if any); provided that only one such sign per occupant may be displayed.

8.4 Window Signs

These include any locality bound signs which are temporarily or permanently painted on or attached to the window glass of a building used for commercial, office, industrial or entertainment purposes, or any other temporary or permanent sign which is displayed within 2m of any window or external opening through which it can be seen from the outside such a building, on condition that no window sign shall exceed 4,5m² in an area of maximum control.

8.5 Signs incorporated in the face of a building

Any sign forming an integral part of the fabric of a building (but excluding a painted sign or a sign affixed in any manner onto the building), on condition that no such sign shall exceed 0,2m² in total area.

8.6 Signs on Sports Fields

Except when visible from scenic drives, any sign erected around the perimeter of a sports field, to a maximum size of 2 x 1 m each, provided further that larger signs which face inwards onto the field and are not visible from any other public place, shall also be permitted.

8.7 Security Signs

Any security sign not projecting over a public road and not exceeding 0,2m² in total area indicating either that a security watch scheme is in operation or that a security company has been contracted to protect the premises on which the sign is displayed, on condition that:

- 8.7.1 only one such sign is displayed on any public road or each street frontage of such premises and the said sign displays only the name, logo, address and telephone number of a security company contracted to protect the premises on which the sign is displayed.

8.8 Sponsored, commercially sponsored and Non-Profit Body Signs: less than 4,5m²

- 8.8.1 Any such sign whether erected by or in connection with a non profit body or not; not exceeding 4,5m² in total area on condition that no more than 5% of the total surface area of the sign is used for third party advertising; and the sign is not illuminated, and furthermore provided that only one such sign shall be permitted per erf.
- 8.8.2 Signs which comply with provisions of Section 8 shall, when erected on municipal land, only be erected once agreement has been concluded with the Municipality, wherein the extent of the community or public benefit as jointly agreed between the municipal department responsible for the premises and/or land has been agreed and the terms of the erection of the sign agreed, and a copy of the agreement lodged with the environmental management branch or its successor in title, of the Municipality.

8.9 Advertising on Flags

Advertising flags shall only be displayed on flag poles, provided that no more than 3 flag poles of 3 m each in total height, shall be permitted on any one property on which they are displayed.

8.10 Advertising on Vehicles

Signs painted or affixed directly onto the body of a motorized vehicle.

9. DISFIGUREMENT

No person shall destroy, harm, damage or disfigure or deface the front or frontage of any street, road traffic sign, wall, fence, land, rock, tree or other natural feature, or the front or frontage or roof of any building or structure in any manner whatsoever during construction or through the display or use of a sign or the writing or painting of any sign, symbol, letters or numerals. Furthermore, no person shall disfigure any sign legally displayed in terms of this By-Law.

10. DAMAGE TO MUNICIPAL PROPERTY

No person shall, in the course of erecting or removing any sign, or banner, cause damage to any tree, electric standard or service or other municipal installation or property and street furniture.

11. ENTRY AND INSPECTIONS

11.1 The Municipality shall be entitled, through its duly authorized officers, and following prior written notification to the owner or occupant of a property, 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.

12. OFFENCES

Any person who:

- 12.1 contravenes or fails to comply with any provision of this By-Law;
- 12.2 contravenes or fails to comply with any requirement set out in a notice served on him in terms of this By-Law;
- 12.3 contravenes or fails to comply with any condition imposed in terms of this By-Law;
- 12.4 knowingly makes a false statement in respect of any application in terms of this By-Law, shall be guilty of an offence and on conviction shall be liable to a fine or imprisonment as set out herein below; and:
- 12.5 In the case of a continuing offence, to a fine, as set out herein below, for every day during the continuation of such offence after a written notice has been issued by the Municipality requiring discontinuance of such offence; and
- 12.6 For a second subsequent offence, liable on conviction to a fine or imprisonment as set out herein below.

13 FINES AND PENALTIES

The fines and penalties applicable to offences in terms of this By-Law are:

- 13.1 upon conviction of a first offence, the guilty party shall be liable to a fine not exceeding R10 000.00 as adjusted in terms of the Adjustment of Fines Act No. 101 of 1991 from time to time, or, in default of payment, to imprisonment for a period not exceeding two months.
- 13.2 in the case of a continuing offence, the guilty party shall be liable to a further fine not exceeding R500.00 as adjusted in terms of the Adjustment of Fines Act No. 101 of 1991 from time to time, for every day during the continuance of such offence.
- 13.3 upon conviction of a second or subsequent offence, the guilty party shall be liable to a fine not exceeding R50 000.00 as adjusted in terms of the Adjustment of Fines Act No. 101 of 1991 from time to time or in default of payment, to imprisonment for a period not exceeding 6 months.
- 13.4 Notwithstanding the provisions of Sections 12 hereinabove, in respect of the unauthorised display of posters and/or estate agents' boards, the applicable fines shall be as per the annually approved tariff by Council associated with the cost of removal of such posters

- 13.5 Unlawful signs removed by the Municipality may be reclaimed from the Municipality on payment in full to it of any costs incurred by the Municipality in the removal of the said sign, as well as payment of the costs of any charges incurred in the storage of such within two months. Any unlawful signs removed by the Municipality and not reclaimed within two months of the date of removal shall be disposed of by the Municipality in its sole discretion to defray its removal and/or storage costs.

14. PRESUMPTIONS

14.1 Any person charged with an offence in terms of this By-Law who is:

- 14.1.1 alone or jointly with any other person, responsible for organizing, or in control of any meeting, function or event, to which a sign or poster relates, shall be deemed, until the contrary is proved, to have knowingly displayed every unlawful sign or poster displayed in connection with such meeting, function or event or to have caused or allowed it to be so displayed;
- 14.1.2 the person whose name appears on an unlawful sign or whose product or services are advertised on such sign, shall be deemed, until the contrary is proved, to have displayed such sign, or to have caused or allowed it to be displayed unless the contrary is proved;
- 14.1.3 the owner of any land or building on which any unlawful sign was or is displayed, shall be deemed, until the contrary is proved, to have knowingly displayed such sign, or caused or allowed it to be displayed.

15. ENFORCEMENT AND REMOVAL OF SIGNS

- 15.1 If any sign displayed is in contravention of this By-Law, the Municipality may serve a notice on the owner or lessee of the sign, or the land owner on whose land the sign is erected or displayed, or person whose product or services are advertised, calling upon such person to remove such sign or carry out such alteration thereto or do such work as may be specified in such request or notice, within a time frame specified therein. Notwithstanding the service of such notice, it may be withdrawn or varied by the Municipality, by agreement with the person who served, or failing such agreement, by the service of a further notice.

- 15.2 Should the Municipality's demands, as set out in the notice, not be carried out within the time period specified therein, the Municipality may, without further notice to the person upon whom the notice was served and after obtaining relief from the appropriate court on an *ex parte* basis, remove or alter the sign or do such work as may be specified in such notice, provided that no court order shall be required, if the unlawful sign is erected or displayed on property belonging to the Municipality, prior to removal or alteration thereof.
- 15.3 in the event of the Municipality removing or altering a sign, the Municipality shall be required to compensate any person for any unreasonable loss or damage occasioned by or in respect of such removal or alteration.
- 15.4 Any costs incurred by the Municipality in removing signs, or in doing alterations or other works required in terms of a Notice, may be recovered from the person on whom the notice was served.
- 15.5 Notwithstanding any other clause in this By-Law, if a sign is, or is reasonably considered to be a danger to life or property, by a duly authorised employee of the Municipality, acting in connection with this By-Law, the Municipality itself may, without prior notice and without Court Order; carry out or arrange for the removal of such sign. any costs incurred by the Municipality in carrying out or arranging for the removal of such sign may be recovered from the owner or lessee of the sign, or the landowner on whose land the sign was erected, or the person whose product or services were advertised, jointly and severally.

16. SERVICE OF NOTICES

Where any notice or other document is required by this By-Law to be served on any person, it shall be deemed to have been properly served if served personally on him/her, or any member of his/her household, apparently over the age of 16 years, at his place of residence, or on any person employed by or with him at his place of business, or if posted 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 apparently employed by that company, closed corporation or a trust, at the registered office thereof, or sent by registered post to such office.

17. MAGISTRATE'S COURT JURISDICTION

Notwithstanding anything to the contrary contained in any law relating to Magistrates' Courts, a Magistrate shall have jurisdiction, on the application of any Local Authority, to make an Order for the enforcement of any of the provisions of this By-Law or of any approval, refusal or condition granted or applicable terms hereof.

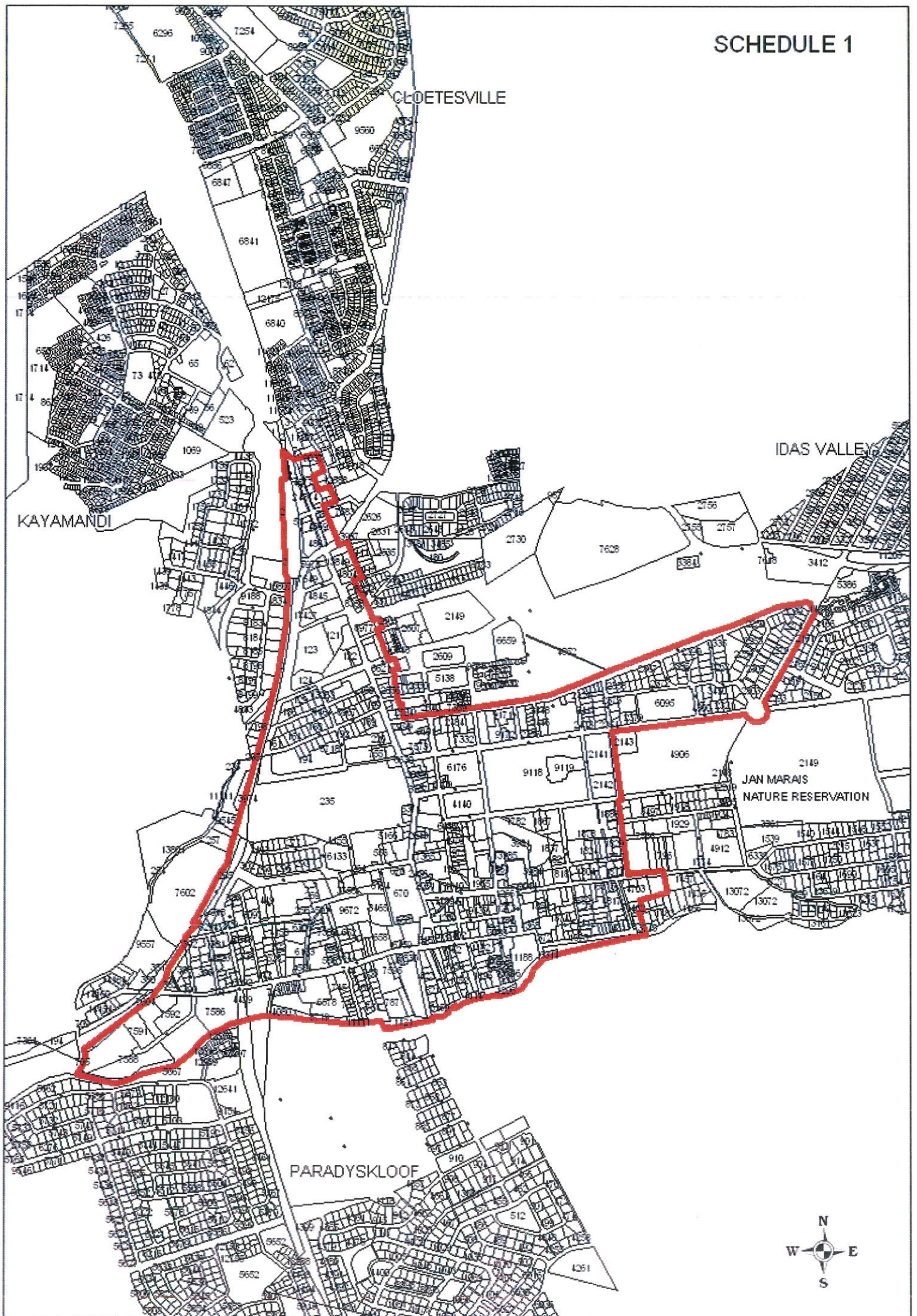
18. EXISTING SIGNS

After twelve (12) months from the promulgation of this By-Law, all signs that were erected with or without Council's permission prior to the promulgation of this By-Law shall be deemed to have been erected in contravention of this By-Law unless such signs are authorised in terms of the provisions of this By-Law. Council shall serve notices on all property owners on whose property signs were erected prior to the promulgation of this By-Law, instructing such property owners to either remove the signs or submit application to Council within a period specified in such notice, failure of which such property owners shall be prosecuted in terms of the provisions of this By-Law and or any other applicable laws.

19. REPEAL OF BY-LAWS

Upon promulgation, this by-law repeals all other by-laws within the Stellenbosch Municipal area whose primary object was to regulate outdoor signage as defined in this by-law and the provisions of this by-law shall take precedence over any other Council policy whose object was to regulate outdoor advertising.

SCHEDULE 1



SCHEDULE 2



FRANSCHHOEK

