# STELLENBOSCH MUNICIPALITY
# OUTDOOR ADVERTISING AND SIGNAGE BYLAW

**To provide for the control, management and regulation of outdoor advertising and signage on Municipal and private property, to provide measures to ensure the health and safety of the public and to protect the environment, to create offences and penalties, to provide for the repeal of laws and savings and to provide mechanisms, guidelines and policies for the control, regulation and management thereof and for all matters connected therewith.**

## PREAMBLE

**WHEREAS** Section 156(1)(a) of the Constitution of the Republic of South Africa, 1996 ('The Constitution') provides that Municipalities have the executive authority in respect of and the right to administer local government matters listed in Part B of Schedule 5 of the Constitution;

**AND WHEREAS** Section 156(2) and 156(5) of the Constitution provides that Municipalities may make and administer By-laws for the effective administration of the matters which it has the right to administer and the right to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

**AND WHEREAS** Part B of Schedule 5 of the Constitution lists Billboards and the display of advertisements in public places as matters of local government competence;

**AND WHEREAS** the Stellenbosch Municipality recognises the need to facilitate the involvement of the community and public participation in planning processes and developments;

**AND WHEREAS** the Stellenbosch Municipality seeks to manage, control and regulate outdoor advertising and signage and any matters connected therewith;

**NOW THEREFORE** the Stellenbosch Municipal Council, acting in terms of Section 156 read together with Part B of Schedule 5 of the Constitution and read together with Section 11 of the

Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) hereby promulgates the following By-Law: -

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## 1. DEFINITIONS

In this Bylaw, unless inconsistent with the context-

**‘‘Advertisement’’** means any:

(a) visible or audible representation of a-
   i. Word or any abbreviation thereof;
   ii. Name or any abbreviation thereof;
   iii. Letter;
   iv. Figure; or
   v. Object
(b) sign or symbol; or
(c) light which is not solely used as a warning against danger,

which is visible from any public place and which is intended to promote any news headlines, business, product, service, brand, person, function, meeting, election or candidate in an election, event or activity.

**‘‘Advertising’’** shall have a similar meaning;

**‘‘Advertising Structure’’** means any physical structure whether of a permanent or temporary nature, designed to host an advertisement, which structure is greater than 4.5 $m^2$ in overall size;

**‘‘Aerial Advertisement’’** means an advertisement that is displayed or performed in the air, including but not limited to balloons and blimps that can be viewed from within the Stellenbosch Municipality’s area of jurisdiction;

**‘‘Approval’’** means approval by the Stellenbosch Municipality and ‘’approve’’ has a corresponding meaning;

**‘‘Area Of Control’’** refers to the degree of advertising control to be applied in a specific area (i.e. Maximum, Partial or Minimum Control) in accordance with the visual sensitivity of the area and traffic conditions, which areas are set out in Schedule 1 of

this By-Law; and which may be modified or amended by the Stellenbosch Municipality in accordance with the requirements as set out in Section12(3)(b) of the Municipal Systems Act, 2000 (Act 32 of 2000), which amendments and modifications will be in accordance with the Stellenbosch Municipality's Zoning Scheme By-Law and shall be graphically depicted in the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone as prepared and promulgated by the Stellenbosch Municipality;

**''Official''** an employee of the Stellenbosch Municipality or any other person who is appointed or authorised thereto to perform any act, function or duty related to the provisions of this By-Law or exercise any power in terms of this By-Law.

**''Banner''** means any material upon which an advertisement is displayed in such a manner as to be fully legible in windless conditions, attached to one or more ropes, poles or flagstaff's projecting vertically, horizontally or at an angle, or attached to buildings or special structures, but excludes banners carried as part of a procession. A flag which is not displayed on an approved flagpole shall for the purposes of this By-Law be deemed to be a banner;

**''Billboard''** means any sign, screen, board, hoarding, fence, wall or free-standing structure used or intended to be used for the purpose of displaying an advertisement which is larger than 4.5m² in total surface area;

**''Central Business District (CBD)''** means the commercial and business centre of a particular area, which is designated as such in the Stellenbosch Municipality's Zoning Scheme By-Law and geographically depicted in the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone as prepared and promulgated by the Stellenbosch Municipality;

**''Class 2 Roads''** means the roads which form the primary network for the urban areas as a whole and which are characterized by high volumes, restricted access and fairly high speeds;

**‘‘Class 3 Roads’’** means roads that distribute traffic between the principal residential, industrial and business districts of the town and which form the link between the primary network (class 2 roads) and the roads within residential areas;

**‘‘Clear Height’’**, in relation to an advertisement, means the vertical distance between the lowest edge of the advertisement and the natural level of the surrounding ground, footway or roadway immediately below the advertisement;

**‘‘Commercial Advertising’’** means any words, letters, logos, figures, symbols, pictures relating to the name of a business, trade, partnership, individual, or any information, recommendation or exhortation in respect of any particular goods manufactured or sold, or any particular services rendered or offered, or any event for commerce or entertainment, including sporting events;

**‘‘Common Boundary Facade’’** means any façade of a building which is built abutting a rear or side boundary of property and which façade is blank, that is, having no architectural features, which includes windows;

**‘‘Composite Advertisement’’** means a single freestanding advertising structure for the display of more than one advertisement;

**‘‘Consultant’’** means a suitably qualified independent person or company that acts on behalf of, or as an agent of, an applicant for approval of an advertisement in terms of this By-Law;

**‘‘Continuing Offence’’** means an offence in terms of this By-Law, which offence continues to exist after the expiry of the notice period referred to in a notice served in terms of this By-Law;

**‘‘Custom Made Design’’** means the design of any advertisement, which features special effects such as specialist character cut outs or shapes or three-dimensional

presentations or moving parts or a combination thereof, and which is uniquely designed or constructed for erection in a particular location;

**‘‘Development Board’’** means an advertisement displayed at premises upon which building operations are currently in progress and relating to any services being provided, work being done or goods being supplied in connection with such building operations, but excludes contract boards for building and civil engineering projects as required in terms of the Architectural Profession Act, 2000 (Act No. 44 of 2000) or any other applicable law;

**‘‘Display’’** means to erect or exhibit an advertisement visible to the public view by any method whatsoever, and ‘‘displayed’’ has a corresponding meaning;

**‘‘Electronic Advertisement’’** means an advertisement which has an electronically controlled, illuminated display surface which allows all, or a portion, of the advertisement to be changed or illuminated in different ways;

**‘‘Environmental Impact Assessment’’** (EIA) means an assessment of the impact that an advertisement may have on the environmental aspects of the receiving environment, which assessment must be carried out in accordance with the provisions of the National Environmental Management Act, 1998 (Act No 107 of 1998) by a registered professional environmental assessment practitioner;

**‘‘Estate Agency’’** means a person who markets, sells or leases properties with or without buildings erected thereon and **‘‘estate agent’’** has a corresponding meaning;

**‘‘Existing Advertisement’’** means any advertisement previously approved by the Stellenbosch Municipality;

**‘‘Flat Advertisement’’** means an advertisement which is affixed to, or painted directly onto a wall of a building but not onto or over windows or doors or architectural

articulations and which at no point projects more than 250mm in front of the surface of such wall;

**''Freestanding Advertisement''** means any advertisement or group of advertisements contained or displayed on one freestanding structure which is not attached to a building or to any structure or object not intended to be used for the primary purpose of advertising;

**''Gateway Route''** means a prominent route with an entrance to or exit from a specific part of the Stellenbosch Municipality's jurisdiction, consisting of man-made or natural features and which creates a strong sense of arrival or departure and which is consistent with town planning or development framework plans or By-Law, and which may be designated as such in the Stellenbosch Municipality's Zoning Scheme By-Law and geographically depicted as such in the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone as prepared and promulgated by the Stellenbosch Municipality;

**''Graphic''** includes but is not limited to any component which contributes to the visual appearance or aesthetics of an advertisement, including its background;

**''Headline Poster''** means a temporary poster advertising the contents of a daily or weekly newspaper;

**''Height of an Advertisement''** is calculated by measuring the vertical distance between the uppermost and lowest parts of the advertising panel or any supporting structure, from the natural ground level;

**''Heritage Impact Assessment''** (HIA) means a visual and contextual assessment of the impact that any proposed advertisement may have on the cultural heritage, whether built or recognized at the locality where the proposed advertisement will be displayed and which assessment must be carried out in accordance with the National Heritage Resources Act, 1999 (No. 25 of 1999) by professionally registered environmental assessment practitioner, professionally registered architect or other suitably qualified and experience professional;

**''Internally Illuminated Advertisement''** means an advertisement or structure used to display an advertisement which has been installed with electrical or other power and an artificial light source which is fully or partially enclosed within the structure or advertisement and which light is intended to illuminate the advertisement or a portion thereof;

**''Law''** means any law, proclamation, ordinance, Act of Parliament or Provincial Legislature, or any other enactment having the force of law;

**''Locality Bound Advertising''** means any advertisement displayed on a specific property, premises or building and may include such an advertisement on municipal owned land, adjacent to, abutting on or within 5 meters of the aforementioned property boundary, premises or building, which advertisement refers to an activity, product, service or attraction, located, rendered or provided on or from that property, premises or building;

**''Loose Portable Advertisement''** means a freestanding locality bound notice or advertising board placed or erected in the road reserve or in a public place;

**''Movable Advertisement''** means an advertisement not permanently fixed and not intended to remain fixed in one position, but does not include any moving part on a fixed permanent advertisement;

**"Municipality"** means the Municipality of Stellenbosch established by Establishment Notice No. 479 in Provincial Gazette of 22 December 2000 issued in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and where the context so requires, includes—

*(a)* the Council;

*(b)* another political structure or a political office bearer of the Municipality, authorised or delegated to perform a function or exercise a power in terms of this By-law;

*(c)* the Municipal Planning Tribunal authorised or delegated to perform a function or exercise a power in terms of this By-law;

*(d)* the Municipal Manager; and

*(e)* any employee of the Municipality acting in terms of delegated or sub-delegated authority of the Municipality;

**''New Advertisement''** means any advertisement first displayed after the promulgation of this By-Law;

**''Non-Profit Body''** means a body established primarily to promote a community goal or benefit without direct or personal financial gain, and may include educational, sporting, medical, municipal departments, bodies as well as charities or community organizations;

**''Organ of State''** means—

(a) any department of state or administration in the national, provincial or local sphere of government;

(b) any other functionary or institution—

  (i) exercising a power or performing a function in terms of the Constitution or a provincial constitution; or

  (ii) exercising a public power or performing a public function in terms of any other Legislation;

**''Perimeter of an intersection''** means the perimeter of the area embraced within the prolongation of the road reserve lines of two or more public roads that join one another at any angle, whether or not one such public road crosses the other;

**''Person''** includes—

(a) any natural or juristic person;

(b) any organ of state;

**''Poster''** means temporary advertisement capable of being attached to the Municipal electrical light standards or pasted to fixed structures to advertise events or campaigns, including elections or referenda of limited duration and excluding advertisements advertising markets, exhibitions or events which are held on a regular basis;

**''Projected Advertisement''** means any advertisement projected by a laser projector, video projector, or other apparatus;

**''Projecting Advertisement''** means an advertisement which is affixed to a wall of a building and which at some point projects more than 250mm in front of the surface of such wall;

**‘‘Public Façade’’** means any façade of a building that has architectural articulations, and which is visible to the public;

**‘‘Public Place’’** means any public road, public street, thoroughfare, bridge, subway, footway, foot pavement, footpath, sidewalk, (or similar pedestrian portion of a road reserve), lane, square, open space, garden, park or enclosed place vested in the Municipality, or other state authority or indicated as such on the Surveyor General’s records, or utilized by the public or zoned as such in terms of the Stellenbosch Municipality Zoning Scheme Bylaw ;

“**Public Notice**” means the notification of an advertising application by publication of a notice in the local newspaper, the display of a site notice, and service of a notice on adjoining owners, the ward councillor, organ of state and where applicable affected owners for the purposes of public participation in terms of this By-law

**‘‘Public Road’’** means public road as defined in the National Road Traffic Act, 1996 (Act 93 of 1996);

**“Road Reserve**” means the designated area of land that contains a public street or private road (including the road and associated verge) and that may be defined by cadastral boundaries;

**‘‘Roadway’’** means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic as defined in the National Road Traffic Act, 1989 (Act 29 of 1989);

**‘‘Roof Advertisement’’** means an advertisement affixed to a roof of a building where the top edge of any point of that advertisement does not exceed the height of the roof plane to which it is affixed;

**‘’Rural Area’’** means an area outside the urban edge excluding natural areas as described in schedule 1;

**‘‘Scenic Route’’** means a road designated as such on the Scenic Routes Overlay Zone, from which landscapes or features of aesthetic or cultural significance can be seen or viewed as designated by the Municipality;

"**Scenic Routes Overlay Zone**" shall have the same meaning as defined in the Stellenbosch Municipality's Zoning Scheme By-Law.

**''Security Advertisement''** means an outdoor advertisement for neighbourhood watch and similar schemes, and an advertisement containing the name, logo, address and telephone number of a security company contracted to protect, or security system installed to protect, the premises on which the advertisement is displayed;

**''Service Station Facility Advertisement''** means freestanding advertisements at petrol filling stations, roadside rest and service areas and includes service station pylon advertisements;

**''Shop''** means a building used for retail trade or services;

**''Signalized Traffic Intersection''** means an intersection controlled by traffic signals;

**''Sky Advertisement''** means an advertisement where the top edge of any point of that advertisement exceeds the height of the roof plane to which it is affixed;

**''Sponsored Advertisement''** means an advertisement, the primary purpose of which is not to advertise goods or services, but which displays a graphic or content which promotes community or public awareness of a recognized public or community goal;

**''Street Name Advertisements''** means pole-mounted, double-sided, internally illuminated or un-illuminated advertisements displayed in combination with names of streets, not exceeding one (1) $m^2$;

**''Street Furniture''** means public facilities and structures which are not intended primarily for advertising and includes but is not limited to seating benches, planters, bins, pole mounted bins, bus shelters, sidewalk clocks, drinking fountains, Telkom boxes, traffic signal controllers, electricity boxes, post boxes and telephone booths, but excludes road traffic sign, traffic signals, street lights or any other road-related structures;

**‘‘Teardrop Banner’’** means any material in a teardrop shape with or without a printed advertisement which is fully legible in windless conditions and held taught by a spring tension and supported by a single flexible pole;

**‘‘Temporary Advertisements’’** means advertisements which are displayed for a maximum period of 14 days, or such other period as may be approved by the Municipality;

**‘‘Thickness’’**, in relation to a projecting advertisement, means the width of such advertisement measured parallel to the plane of the main wall to which such advertisement is affixed;

**‘‘Third-Party Advertising’’** means the advertising of goods or services that are not made, procured, sold or delivered from the property on which the advertisement or advertisement advertising those goods or services is fixed or placed, and includes advertising which is not locality bound;

**‘‘Three-Dimensional Advertisement’’** means an advertisement containing more than 2 dimensions, including product replicas;

“**Total Surface Area**" refers to the cumulative measurement encompassing all exposed external surfaces of an advertisement, excluding its supporting structure.

**‘‘Traffic Impact Assessment’’** (TIA) means an assessment of the impact a proposed advertisement may have on vehicle, pedestrian, or cyclist safety and traffic operation, which study should recommend any mitigating measures that may be required as a result of that impact and which assessment must be carried out by a professionally registered traffic engineer;

**‘‘Traffic Sign’’** means a road traffic sign as prescribed in the National Road Traffic Act, 1996 (Act 93 of 1996);

**‘‘Traffic Signal’’** means a road traffic signal as prescribed in the National Road Traffic Act, 1996 (Act 93 of 1996);

**‘‘Transit Advertising’’** means advertising by means of a movable advertisement which is capable of being transported by road either on or in conjunction with a motorized vehicle, including trailers primarily used for advertising;

**‘‘Transportation Terminals’’** means any area designated by the Municipality as such, where the formal interchange of modes of public transport takes place by the public, including, but not limited to designed railway stations, official taxi terminals and bus terminals;

**‘’Urban Areas’’** means an area within the urban edge of a town;

**‘’Urban Conservation Area’’** means an area in the built environment which is designated as such in terms of the Stellenbosch Municipality’s Zoning Scheme By-Law and geographically depicted in the Urban and Rural Conservation Overlay Zone as prepared and promulgated by the Municipality;

“**Urban and Rural Conservation Overlay Zone**” shall have the same meaning as defined in the Stellenbosch Municipality’s Zoning Scheme By-Law;

**‘’Urban Edge’’** means an area in the built environment which is designated as such in the Stellenbosch Municipality’s Zoning Scheme By-Law and geographically depicted in the Urban and Rural Conservation Overlay Zone as prepared and promulgated by the Municipality;

**‘’Urban Edge Line’’** means a predetermined point to point boundary line as determined by the Municipality, which has as its purpose, the containment of urban development;

**‘’Veranda’’** includes a cantilever canopy and sunblind;

**“Visual Impact Assessment (or VIA)**” means an assessment of the potential visual impacts of a proposed advertisement on the receiving environment, which assessment must be prepared by registered professional architect;

**‘’Window Advertisements’’** means advertisements which are temporarily or permanently painted on, or attached to the window-glass of a building;

**"Zone" / "Zoning"** refers to a land use zone as set out in the Stellenbosch Municipality's Zoning Scheme By-Law, which includes base zoning, overlay zoning, and the components defined in Section 1 of the Spatial Planning and Land Use Management Act. This definition is subject to amendments by the municipality in accordance with the requirements of Section 12(3)(b) of the Municipal Systems Act (Act 32 of 2000).

## 2. OBJECTS OF BY-LAW

2.1 The objects of this By-law are to regulate advertising and the use of advertisements in a manner which-

(a) Promotes the protection and conservation of environmental, cultural, heritage and aesthetic sensitivities of areas within the Municipality's jurisdiction;

(b) Promotes freedom of responsible commercial speech by striking a balance between advertising opportunities and economic development on the one hand, and the conservation of the visual, tourism, environmental and heritage characteristics and traffic safety on the other hand;

(c) Promotes the responsible use of the Municipality's natural, cultural and heritage environment;

(d) Promotes a safe and healthy environment;

(e) Provides recognition to the substantial number of technical details that apply to specific types of advertisements and their effect on specific places;

(g) Ensures that only advertisements and advertising which are compliant with the provisions of this bylaw be allowed;

## 3. Application of By-law

The provisions of this By-law shall apply to all areas which fall within the jurisdiction of the Stellenbosch Municipality.

## CHAPTER 1

### 4. Submission of applications

(1) Other than those advertisements referred to in section 13(3) to 13(10) of this Bylaw, no person may display any advertisement or erect or use any advertisement for advertising purposes without the Municipality's approval in terms of this Bylaw and any other applicable legislation.

(2) Every person intending to display a new advertisement or to alter or to add to an existing approved advertisement or submit a signage plan in terms of a Site Development Plan proposal, must apply in writing to the Municipality which application must be accompanied by the following information in duplicate:

(a) a site plan, drawn to a scale of not less than 1:200, showing the following—

(i) the site on which it is proposed that the advertisement is to be erected or displayed;

(ii) the position of the advertisement and the building, if any, to which it is to be attached;

(iii) every building and the existing advertisements on the site;

(iv) existing and proposed landscaping, traffic signals and road traffic signs; and

(v) the positions, with dimensions, of the advertisement in relation to the boundaries of the site and the location of the streets abutting the site, together with its existing approved zoning conditions;

(b) a drawing, which is of sufficient detail to enable the Municipality to consider the appearance of the advertisement and all relevant construction detail, including the dimensions of the proposed advertisement and its supporting structure (if any), a description of the materials of which the advertisement is to be constructed, the colours of the advertisement, and whether or not the advertisement is to be illuminated; In the latter event, the plan must indicate whether or not the advertisement is an electronic advertisement and, if so, full details must be furnished;

(3) The drawing referred to in sub-section (2)(b) must have detailed drawings of such advertisement to a scale of not less than 1:20 and a site plan indicating the position of the advertisement on the site to a scale of not less than 1:50;

(4) If an advertisement is to be attached to or displayed on the wall or façade of a building, the Municipality may require the submission of an additional drawing, drawn to a scale of not less than 1:100, showing—

(i) an elevation of the building in colour;

(ii) the details and position of the proposed advertisement; and

(iii) the details and the position of every existing advertisement on the building

Alternatively, 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 advertisement superimposed on such graphic and drawn as nearly as is practicable to the same scale as that of the graphic;

(5) If the applicant is not the registered owner of the property on which the advertisement will be erected, he or she must obtain the consent of the registered owner of the land or building on which the advertisement is proposed to be erected, indicating that person's knowledge of the application.

(6) The Municipality may require the submission of any or all of the following studies or assessments—

(a) an Environmental Impact Assessment;

(b) a Heritage Impact Assessment;

(c) a Visual Impact Assessment; and

(d) a Traffic Impact Assessment.

(7) Where the erection of a proposed advertisement may pose potentially detrimental effect/s to a community or a portion thereof of any particular person, the municipality may in its sole discretion require the applicant, at the applicant's own cost, to notify interested and affected persons of the details of the application and invite any comments on the application to be submitted to the municipality and the applicant within a period of twenty-one (21) business days from the date of publication of such public notice. Such Public Notice must include the following information:

(a) Full names of the applicant;

(b) Capacity in which the applicant is acting if he or she is not the owner of the land concerned;

(c) Full property description, location or other means of identifying the property at which the proposed advertisement is proposed to be erected;

(d) Brief summary of the application in particular the type of advertisement that is being applied for;

(e) Name of the person and address where written objections must be lodged;

(f) That written objections must be lodged with the Municipality within twenty-one (21) days of-

i. Delivery of the notice;

ii. Publication of the public notice in the newspaper; or

iii. Display of the site notice;

(g) Place and time where the full particulars of the application may be inspected;

(h) Any other additional information which the Municipality may require to be included in the notice.

(8) Publication of the Public Notice shall include any one, or a combination of the following:

(a) Proof of service of a public notice on adjoining owners, affected person/s and the ward councillor: Provided that where an adjoining owner or affected person/s is a member of a Body Corporate or Home Owners Association, service on the registered address of the Body Corporate or Home Owners Association is deemed to be service on all the owners of the Body Corporate or Home Owners Association;

(b) Erection of the public notice on all road frontages at the property where the advertisement is proposed to be erected, which site notice must be A3 in size and in accordance with the manner and form prescribed by the Municipality in respect of the content and location of the notice;

(c) Publication of the public notice at least once in two local newspapers circulating the area where the proposed advertisement is proposed to be erected: Provided that the Public Notice must be published in the language of the newspapers concerned and that where the dates of

publication differ, the date of the last publication is deemed to be the date of publication;

(d) simultaneously using other means, which may be required by the municipality, which may include publication on the municipal website where a copy of the application will be made available for inspection, publication on community notice boards or communication through email or social media.

(9) The Municipality may require a signage master plan in respect of any development where the erection of numerous advertisements is proposed, or the rationalization of previously approved advertisements is required so as to allow it to consider a consistent design master plan prior to assessment of any individual advertisement.

(10) Within twenty-one (21) business days from the date of submission of the original application or payment of the application fee, whichever is later, the Municipality must notify the applicant of any additional requirements or request any additional information that it requires in order to determine the application.

(11) The Municipality must retain a copy of each document that formed part of an application.

(12) The Municipality may require a written notice from the applicant or person to confirm that an approved advertisement was erected.

## 5. Fees and general factors in considering approval of applications, amendments and conditions

(1) Every person who applies to the Municipality for approval in terms of this Bylaw must, on making application, pay to the Municipality an application fee as determined by the Municipality and no advertisement may be erected until such time as the required approval has been granted and any application fees have been paid in full.

(2) In considering an application for the display of an advertisement or the erection of an advertisement in terms of this Bylaw, or an amendment or condition attaching or to be attached to an approval, the Municipality must have regard to the following factors:

(a) The area of control in which the proposed advertisement is to be erected or displayed as set out in Schedule 1 of this Bylaw; provided that if an advertisement falls into more than one area of control or if a proposed site in one area of control may impact on an adjacent area of control, the Municipality shall be entitled to determine the area of control pertaining to that application;

(b) the locality or landscape and the advertising opportunities pertaining to that area of control; the number of advertisements already displayed or proposed to be displayed on the property and in the area surrounding the property concerned;

(c) the findings of any Traffic Impact Assessment, Environmental Impact Assessment, Visual Impact Assessment or Heritage Impact Assessment.

(d) Any comments received in response to the public participation processes conducted;

(e) locality bound advertisements must relate to the lawful use of a property provided that no such advertisement may be affixed to or placed on residential premises or portions thereof other than as is permitted by or for home industries and legal temporary uses; and

(f) that no advertisement or advertisement may be designed or displayed that—

(i) will constitute a danger to any person or property;

(ii) will display any material or graphic which does not comply with the requirements of the Advertising Standards Authority of South Africa.

(iii) will be detrimental to the environment or amenity of the neighbourhood by reason of either its size, intensity, frequency, illumination, quality of design, material, proposed graphic or locality.

(iv) will obscure any road traffic signs or other advertisements approved in terms of this Bylaw or which will pose a road traffic safety risk; and

(v) will be detrimental or otherwise negatively impact on the environment, whether artificial or natural.

(3) Subject to any conditions in Schedule 16, all new advertisements approved under this Bylaw and any successive Bylaw, may remain on display uninterrupted until such time as they do not comply with the provisions of this Bylaw or any other applicable legislation

## 6. Factors relating to areas of control, specific advertisements and commercial-sponsored advertisements

(1) For the purposes of this By-law, the following areas of control exist:

(a) Areas of Maximum Control;

(b) Areas of Partial Control; and

(c) Areas of Minimum Control.

(2) The areas of control in which advertisements can be displayed are reflected in schedule 1 hereto.

(3) The Stellenbosch Municipality's Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone must indicate: -

(a) Boundaries of areas of Maximum, Partial and Minimum control within its area of jurisdiction;

(b) Types of signs which are prohibited within the areas contemplated in paragraph (a) above; and

(c) Types of signs which are permitted within the areas contemplated in paragraph (a) above, and any conditions to which they may be subject to.

(4) The Stellenbosch Municipality's Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone must comply with the provisions of this By-Law and with any other applicable law.

(5) The Stellenbosch Municipality's Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone must be subject to Public Participation by publishing them for public comment in terms of the provisions of Section 12(3)(b) of the Municipal Systems Act, 2000 (Act 32 of 2000) before it may be adopted by Municipal Council. Such Public Participation will involve the following procedure:

(a) The Municipality will compile and publish its Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone; and

(b) Publish a notice in the prescribed manner and form.

(6) The notice contemplated in subsection (5)(b) must-

(a) Contain a summary of the key aspects of the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone;

(b) Inform the public that the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone are available for inspection at a specified location and between specified hours; and

(c) Invite comments and objections from the public, to be received by the Municipality by a specified date not less than 30 (thirty) days after the publication of the notice.

(d) Be published in two local newspapers that circulate the area, or if there is a community newspaper which is free to the public and is circulated in the area, it may be published in the community newspaper and one daily local newspaper.

(7) The Municipality may in addition to the above, also call for a public meeting to be held and the public meeting must be held not less than 7 (seven) days or more than 60 (sixty) days after the date of publication of the notice referred to in subsection (5) above.

(8) At the public meeting contemplated in subsection (7) above, the Municipality must-

(a) Present and explain the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone;
(b) Respond to any queries related to the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone;
(c) Give interested and affected persons, business people and residents an opportunity to make comments and lodge objections; and
(d) Take minutes of the meeting;

(9) After having considered the comments and objections, the Municipality may within a reasonable period from the commencement of the public participation process-

(a) Adopt the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone;
(b) Amend and adopt the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone; or
(c) Reject the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone;

(10) Notwithstanding the provisions of section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) the Municipal Council may not delegate the decision-making powers referred to in subsection (9) above.

(11) In the event that the Municipal Council adopts the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone, a notice must be published in the manner contemplated in subsections (5) and (6) above, as well as the Provincial Gazette –

(a) Confirming that the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone have been adopted;
(b) Giving notice of the commencement date of the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone;
(c) Summarising the key aspects of Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone; and
(d) Confirming that the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone are available for inspection at a specified location and between specified hours.

(12) The Municipal Council –

(a) May amend or revoke the adopted Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone subject to the provisions of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000): Provided that the Council must follow the public participation process as set out in section 6; and
(b) Must review the adopted Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone whenever the Council deems it necessary to do so.

(13) The Municipality may, in addition to the factors set out in section 5 of this Bylaw, apply the specific standards set out in schedules 1 to 18 of this By-law to certain specific advertisement types and proposed localities when an application for approval is made in respect thereof and will apply the specified criteria set out in this By-law to applications for the erection of advertisements by non-profit bodies.

(14) Schedule 1 of this Bylaw indicates the areas of control in which certain specific advertisement types may be permitted, subject always to approval in terms of this

Bylaw and furthermore subject to any additional requirement pertaining to a specific advertisement type as set out in the remaining schedules.

(15) The description of areas or routes in Schedule 1 should be read with the definitions as contained in the Municipality's Zoning Scheme Bylaw.

(16) The Municipality may grant an exemption from the terms of this Bylaw in respect of advertisement types or areas of control set out in the schedules of this Bylaw having regard to—

(a) the area of control where it is proposed to display the advertisements;

(b) nature of the event;

(c) duration of the erection or display of the advertisement;

(d) size of the proposed advertisement;

(e) any traffic, environmental, visual or heritage impact assessment;

(f) site specific circumstances that may justify such exemption; and

(g) Any comments received in response to any public participation processes conducted.

## CHAPTER 2

### 7. Standard conditions for approval

(1) All advertisements must be properly erected and constructed of the requisite strength and must be secure and must comply with any other requirements provided for in any other applicable law.

(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 must undertake at least one inspection per year thereof with a view to satisfying themselves as to the safety thereof.

(3) Where any advertisement or advertising structure is vandalised or becomes torn or damaged or otherwise falls into a state of disrepair, and/or dilapidation the applicant to whom the approval has been granted or the owner of the fixture or property which or to which an advertisement is attached, must within seven (7) business days of receiving a notice in writing from the Municipality requiring it to attend to such repairs, carry out such repairs.

(4) All advertisements and their support structures must be constructed of incombustible, durable materials suited to the function, nature and permanence of the advertisement.

(5) All glass used in an advertisement, other than glass used in illumination, must be safety glass of at least 3mm thick.

(6) Glass panels used in an advertisement must not exceed 0.9m² in area, each panel being securely fixed in the body of the advertisement, structure or device independently of all other panels.

(7) Every advertisement and its support structure must be kept in a state of good repair.

(8) No advertisement may obstruct the opening and closing of 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.

(9) No advertising structure may be closer to overhead electrical equipment than the minimum distance as prescribed in the Occupational Health and Safety Act, 1993 (Act 85 of 1993).

## 8. Electrical requirements

(1) All advertisements needing an electrical connection must preferably be supplied from the existing electrical supply on the property where it is to be erected. If this is not possible, application for a metered electricity supply must be made to the relevant authority.

(2) Every advertisement in connection with which electricity is used, must be provided with suitable capacitors to prevent interference with radio and television reception.

(3) Each power cable and conduit containing electrical conductors in respect of an advertisement must be so positioned and fixed so that it is safe, unseen, inaccessible and child tamper proof and animal proof.

(4) Each interior high-voltage installation that runs unattended (such as a window display) and each exterior high-voltage installation must have an acceptable type of fireman's switch in accordance with the requirements as stipulated in sections 6.7.2 and 7.5 of SANS 0142 1993 promulgated in terms of the Occupational Health and Safety Act, 1993 (85 of 1993).

## 9. Illumination requirements

(1) The Municipality may approve an illuminated advertisement, provided that the provisions of this Bylaw are complied with and that such illumination does not constitute a road safety hazard or cause undue light spillage.

(2) Advertisements may not be illuminated if no advertisement content is displayed.

(3) All internal illumination or electronic advertisements must conform to the following requirements—

(a) only be displayed in areas of partial and minimum control and must be less than 2.1m$^2$.

(b) electronic advertisements may not have subliminal flashes; and

(c) prior to the erection of an advertisement, the Municipality may require a Traffic Impact Assessment, Environmental Impact Assessment, Visual Impact Assessment and Heritage Impact Assessment to be conducted, the results of which must indicate that no detrimental impact on traffic, the environment, visual aesthetics or heritage resources, is envisaged. In addition, the

Municipality may require subsequent traffic monitoring of any internally illuminated or electronic advertisement.

(4) Requirements for external illumination:

(a) the light source emanating from external illumination must not be visible to traffic traveling in either direction;

(b) external illumination must not be positioned so as to create any undue light spillage beyond the surface area of the advertisement; and

(c) in respect of Municipal owned property, approved wayleaves must be obtained from the Director: Infrastructure Services or his/her nominee prior to any excavations for the installation of advertisements. This also applies for advertisements to be erected in the vicinity of overhead powerlines.

(5) Electricity Power sources may be applied for as per the conditions of the Electricity Services Bylaw.

## 10. Road traffic safety requirements

(1) Advertisements may not be erected in an area where they would pose a road traffic safety concern.

(2) Electronic advertisements may not be permitted if they are visible from class 2 or 3 roads, a gateway route or a scenic route, unless expressly approved in writing by the Municipality.

(3) Advertising on bridges, towers, telecommunication masts, pylons or street poles shall not be permitted, unless expressly approved in writing by the Municipality.

(4) The graphic content of advertisements must 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 stylised 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;

(c) use of combinations of colours specified for road traffic signs, in a manner likely to lead to confusion; and

(d) any reflector paint or material.

(5) Advertisements may not be attached to or obscure a road traffic sign or traffic signal specifically provided for in the South African Road Traffic Signs Manual or applicable legislation.

(6) Advertisements may not be erected within the road reserve of any public road unless expressly approved by the Municipality.

(7) When located at signalized traffic intersections, advertisements may not have the colours red or yellow or green as the predominant colours and may not obscure or interfere with any road traffic sign or traffic signal.

(8) Electronic advertisements shall not be permitted within 80 meters of the perimeter of a signalised traffic intersection.

(9) Flashing or running messages or variable transition messages that have a message change interval of greater than 0,3 seconds or have transition effects between message changes shall not be permitted if viewable from a public road. Such advertisements will not be permitted within Historical Areas or upon roads with high traffic flow at night.

(10) Static display, simple transition advertisements must display a complete frame for an information cycle length of not less than 60 seconds when visible from a signalised traffic intersection and 30 seconds at other locations.

(11) All advertisements larger than 4.5m² erected adjacent to a public road or in a railway reserve intended to advertise to persons using class 2 and 3 roads must be spaced a minimum specified distance away from any other lawful advertisement or road traffic sign, such distance measured parallel to the centre line of the roadway, in accordance with the measurements set out in Table 1 below:

**TABLE 1: LINEAR SPACING BETWEEN ADVERTISEMENTS**

| **Instance** | **Spacing required when visible for traffic on road with a speed of:** | | |
|---|---|---|---|
| | **≤ 60 km/h (In the Rural Areas and the Scenic Routes)** | **61 – 80km/h** | **≥80km/h** |
| **Where an advertisement follows a road sign** | **120m** | **200m** | **300m** |
| **Where an advertisement follows another advertisement** | **250m** | **250m** | **300m** |
| **Where an advertisement precedes a road sign** | **40m** | **70m** | **100m** |

(13) The abovementioned minimum distances specified in Table 1 above may be decreased by the Municipality if the advertisement falls within an area of minimum control, or in other areas of control on submission of a Traffic Impact Assessment motivating a reduction of this spacing to the satisfaction of the Municipality. The Municipality may prepare a list or map of designated areas in which the abovementioned spacing requirements shall not be applicable.

## 11. Legal requirements

All advertisements to be erected or displayed within the area of jurisdiction of the Municipality must, in addition to complying with this Bylaw, comply with all other applicable legislation, including but not limited to the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and any applicable By-law promulgated thereunder, the Stellenbosch Municipality Zoning Scheme Bylaw or condition of approval or any departure from the Stellenbosch Municipality Zoning Scheme Bylaw adopted by the Municipality.

## 12. Approval

(1) The Municipality may refuse any application or grant its approval subject to conditions relating to the erection or use of the advertisement and including a condition that the

owner of any advertisement or billboard on the land or building on which it is erected or displayed, or both such owners or the person whose product or services are advertised, indemnify the Municipality against any consequences flowing from the erection, display or mere presence of such advertisement.

(2) The Municipality may, at any time, withdraw an approval granted in terms of this Bylaw or its predecessor or amend any condition or impose a further condition in respect of such approval, if an advertisement or advertising structure:

(a) is in a state of disrepair and/or dilapidation;

(b) remains unused for more than 90 consecutive days, unless written permission is granted by the Municipality to extend this period, which permission must be applied for before the expiry of the initial 90 days, fully motivating the reasons as to why the advertisement is unused;

(c) becomes redundant or obsolete;

(d) no longer complies with any provision of this Bylaw; or

(e) is substantially altered from the original approved application by way of either structure or graphic content.

(3) Should an approved advertisement not be erected within 12 months from the date of approval or within such other time as is specified in the approval, such approval shall lapse, unless that period is extended in writing by the Municipality prior to such lapse.

(4) In the event that the structure supporting such advertisement is intentionally demolished before the expiry of the approval period; the approval shall lapse and no further advertisement or supporting structure may be erected or re-erected without the Municipality's approval.

(5) All decisions made by the Municipality in terms of this bylaw with regard applications must be in writing and within sixty (60) calendar days after a completed application was received, or within sixty (60) calendar days after receipt of additional information as required by the Municipality.

(6) In notifying an applicant of the outcome of the application the Municipality must inform such applicant or an objector of his right to appeal in terms of section 13.

## CHAPTER 3: GENERAL PROVISIONS

### 13. Appeal

A person whose rights are affected by a decision in terms of a delegated power may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) to the Municipal Manager within twenty-one (21) days of the date of the notification of the decision.

### 14. Advertisements for which Municipality's approval not required

(1) Should any advertisement not comply with the conditions relative to each advertisement type listed below an application in terms of section 4 will be required.

(2) Subject to compliance with the conditions relative to each advertisement provided for in sub-sections (3) to (10), and any other applicable legislation, or condition imposed by the Municipality, no application for approval is required in terms of this Bylaw in respect of the advertisements provided for in sub-sections (3) to (10).

(3) Development Boards

(a) Development boards shall be removed forthwith when the building operations are complete or 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 advertisement relates has ceased.

(b) The Municipality may order the removal of any such advertisement 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 advertisements may thereupon be forthwith removed but no later than five (5) days after the date of the order for removal thereof.

(c) If the premises on which building operations are in progress, are to be used wholly for residential purposes, only one development board may be displayed, and such development board may not exceed 3m² in total surface area.

(d) If the premises are not to be used wholly for residential purposes, no more than two development boards may be displayed, and the aggregate area of both development boards may not exceed 5m² in total surface area;

(e) If the advertisement, whether on freestanding boards, or flexible building covering material, include any other form of third-party advertising, such advertisement must then comply with the provisions of Schedule 8 hereto and approval for the display thereof must first be obtained in terms of this Bylaw.

(4) To Let/For Sale Advertisements

(a) These include any advertisement not exceeding (400mm x 500mm) (0.2m$^2$) in total surface 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; and

(b) on condition that any such advertisement must be removed within 2 weeks from date of issue of the occupation certificate or conclusion of a contract.

(5) On Premises Business Advertisements

These include any advertisement not illuminated, not projecting over a public road and not exceeding 0.2m² in total surface 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 advertisement per occupant may be displayed.

(6) Window Advertisements

These include any locality bound advertisements 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 advertisement which is displayed within 2 meters of any window or external opening through which it can be seen from the outside such a building, on condition that no window advertisement may exceed 4m² in an area of maximum control. (Not more than 50% of window and not more than total surface area or 4m$^2$)

(7) Advertisements incorporated in the face of a building

Any advertisement forming an integral part of the fabric of a building (but excluding a painted advertisement or an advertisement affixed in any manner onto the building), on condition that no such advertisement may exceed 0.2m² in total surface area.

(8) Security Advertisements

Any security advertisement not projecting over a public road and not exceeding 0.2m² in total surface 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 advertisement is displayed, on condition that—

(a) only one such advertisement is displayed on any public road or each street frontage of such premises; and

(b) the said advertisement displays only the name, logo, address and telephone number of a security company contracted to protect the premises on which the advertisement is displayed.

(9) Sponsored, Commercial and Non-Profit Body Advertisements: less than 4.5m².

(a) Any such advertisement whether erected by or in connection with a non-profit body or not; not exceeding 4.5m² in total surface area on condition that no more than 5% of the total surface area of the advertisement is used for third party advertising; and the advertisement is not illuminated, and furthermore provided that only one such advertisement may be permitted per property.

(b) Advertisements which comply with provisions of sub-section (a) may, 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 and the terms of the erection of the advertisement has been agreed.

(c) All other sponsored advertisements are dealt with in Schedule 16 and 17.

(10) Advertising on Vehicles

Advertisements painted or affixed directly onto the body of a motorised vehicle unless transit advertising.

## 15. Disfigurement

No person may 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 an advertisement or the writing or painting of any advertisement, symbol, letters or numerals. Furthermore, no person may disfigure any advertisement legally displayed in terms of this Bylaw.

## 16. Damage to Municipal property

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

## 17. Entry and inspections

The Municipality shall be entitled, through its 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.

## 18. Presumptions

Any person charged with an offence in terms of this Bylaw who is—

(a) alone or jointly with any other person responsible for organising, or in control of any meeting, function or event, to which an advertisement or poster relates, shall be deemed, until the contrary is proved, to have knowingly displayed every unlawful advertisement or poster displayed in connection with such meeting, function or event or to have caused or allowed it to be so displayed;

(b) the person whose name appears on an unlawful advertisement or whose product or services are advertised on such advertisement, shall be deemed, until the contrary is proved, to have displayed such advertisement, or to have caused or allowed it to be displayed;

(c) the owner of any land or building on which any unlawful advertisement was or is displayed, shall be deemed, until the contrary is proved, to have knowingly displayed such advertisement, or caused or allowed it to be displayed.

## 19. Enforcement and removal of advertisements

(1) If any advertisement is displayed in contravention of this Bylaw, the Municipality may without prejudice to or in addition to the right to take legal steps or prosecute, serve a notice on the owner of the property on whose land the advertisement is erected or displayed or the owner of the advertisement, calling upon such person to demolish or remove such unauthorised advertisement or carry out such alteration thereto, or to

rehabilitate the land to its original form or to do such work as may be specified in such request or notice, within a time frame specified therein.

(2) A notice served in terms of sub-section (1) may be withdrawn or varied by the Municipality, by agreement with the person so served, or failing such agreement, by the service of a further notice.

(3) Notwithstanding the provisions of subsection (1) above, in the event of an advertisement:

(a) Constitutes an imminent or irreversible threat or danger or emergency to the environment or the health, safety or well-being of any person, property or the public; or

(b) is so displayed on Municipal property and has not been approved by the Municipality;

The Municipality may immediately take such steps to remove, rectify or cover the advertisement.

(4) Any costs incurred by the Municipality in removing any advertisement, or in carrying out any necessary alterations or other works required in terms of a notice, may be recovered from the person on whom the notice was served.

(5) Any costs incurred by the Municipality in carrying out or arranging for the removal of any advertisement may be recovered from the owner or lessee of the advertisement, or the landowner on whose land the advertisement was erected.

(6) Unlawful or dangerous advertisements 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 advertisement, as well as payment of the costs incurred in the storage of such advertisement.

(7) Any unlawful advertisements removed by the Municipality and not reclaimed within two (2) months from the date of removal may be disposed of or be sold by the Municipality to defray its removal or storage costs.

(8) The remedies provided for in this By-law are in addition to any other statutory, common law, criminal or civil remedies that a Municipality may have at its disposal.

(9) The Municipality may implement a property rates adjustment in accordance with the use of the property where it has confirmed contravention of this By-law.

## 20. Serving of notices

(1) A notice, order or any other document issued by the Municipality in terms of this Bylaw is deemed to be duly issued if an official of the Municipality, formally delegated, signed it.

(2) Any notice or other document that is served on a person in terms of this Bylaw is regarded as having been duly served—

(a) when it has been delivered to that person personally;

(b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;

(c) when it has been posted by registered or certified mail to that person's known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;

(d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or

(e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates;

(f) in the event of a body corporate, when it has been delivered at the registered office of the premises of the body corporate; or

(g) when it has been delivered, at the request of that person, to his or her e-mail address.

(3) Serving of a copy is deemed to be service of the original.

(4) When any notice or other document is served on the owner, occupier, or holder of any property, or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier, holder of the property or right in question, and it is not necessary to name that person.

## 21. Liaison forums in community

(1) The Municipality may establish liaison forums in the community for the purposes of—

(a) ensuring local community participation in the implementation and execution of this Bylaw; and

(b) promoting local economic development and the conservation of visual, tourist, environmental and heritage characteristics of the Stellenbosch Municipal area;

(2) A forum as contemplated in sub-section (1) may consist of-

(a) a person or persons of an interested party or an affected person or community;

(b) designated official or officials of the Municipality and

(c) a council member of the relevant council committee

(3) The Municipality may request-

(a) a forum to give their input or

(b) make use of a forum's special knowledge or capacity

(4) A forum of persons or a person as defined in sub-clause (2) may give input on their own accord to the Municipality for its consideration but will have no decision-making powers.

## 22. Offences and Penalties

(1) A person who contravenes any provision or fails to comply with any provision of this By-law, or fails to comply with a notice issued in terms of this Bylaw, commits an offence and shall upon conviction be liable to—

(a) a fine or imprisonment, or to both such fine and such imprisonment; and

(b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and

(c) a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as result of such contravention or failure.

(2) A person commits an offence if he or she—

(a) threatens, resists, hinders, obstructs or otherwise interferes with, or who uses foul or abusive language towards or at an employee or contractor of the Municipality in the exercise of any powers or performance of any duty or function in terms of this Bylaw; or

(b) impersonates an employee or contractor of the Municipality;

(c) fails to comply with any notice issued by the Municipality in terms of this By-law.

## 23. Conflict with other legislation

(1) In the event of any conflict between any provision of this By-law and National and Provincial legislation, standards, policies or guidelines, the National and Provincial legislation, standards, policies or guidelines shall prevail subject to section 151(3) and 156(4) of the Constitution.

(2) In the event of an inconsistency between the different texts the English text shall prevail.

## 24. Exemptions

Notwithstanding the provisions of this Bylaw, the Municipality may, on written application, exempt any person or class of persons from any or all of the requirements of this Bylaw, provided that such exemption is fully motivated and supported by expert studies which confirm that such exemption will not have any detrimental consequences to any environmental, visual, heritage or traffic considerations. In considering such exemption the Municipality may impose any reasonable conditions or requirements it deems necessary in order to promote the objectives of this By-law or any other applicable legislation.

## 25. Repeal of Bylaw

All prior bylaws of the municipality, including those of any abolished municipality now part of the present municipality, are hereby repealed to the extent that they cover matters specifically provided for in this bylaw. This repeal is in accordance with the authorization granted under Section 84(3) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

## 26. Transitional arrangements

(1) Within 60 (sixty) days of the promulgation of this By-Law and the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone, whichever occurs later, the Municipality must publish a notice in two local newspapers circulating within its area of jurisdiction, calling for compliance with the provisions of this By-law.

(2) Where an advertisement has been erected or displayed before the date of commencement of this By-law, which advertisement was previously approved by the Municipality or other competent authority, then the owner of the property on which the advertisement has been erected must apply to the Municipality, for approval of the advertisement in terms of this By-law, within 180 (one-hundred and eighty) days from the date of commencement of this By-law, failing which the previous authorisation shall lapse and the advertisement will be regarded as unlawful and must be removed immediately.

(4) Every person, on whose property an advertisement had been erected prior to the promulgation of this By-law, which advertisement is prohibited by this By-Law and which advertisement had not been approved by the Municipality or other competent authority, will be regarded as unlawful and must be removed within 90 (ninety) days of the commencement of this By-law.

(5) If an advertisement no longer complies with the provisions of this By-law due for any reason whatsoever, the owner of the property on which the advertisement has been erected must promptly act to rectify such non-compliance. This may involve removal, alteration, or replacement of the ad to ensure adherence to the By-law.

## 27. Short title and commencement

This Bylaw shall be known as the Stellenbosch Municipality Outdoor Advertising and Signage Bylaw and takes effect on the date of promulgation in the Provincial Gazette or as otherwise indicated in the publication notice.

## SCHEDULE 1: AREAS OF CONTROL

| **Area Type** | **Natural Area** | **Rural Area** | **Urban Area** | **Urban Area** | **Urban Area** |
|---|---|---|---|---|---|
| **Control Strength** | **Maximum** | **Maximum** | **Maximum** | **Partial** | **Minimum** |
| **Area Description** | • Proclaimed, declared or zoned nature reserve and conservation areas.<br>• Protected natural environment.<br>• Forestry areas.<br>• River corridors.<br>• 1:100 Year flood plains.<br>• Wetlands.<br>• Game reserves | • Agricultural areas/zones<br>• Horticultural areas<br>• Rural small holdings<br>• Large private open spaces (e.g. golf courses)<br>• Scenic routes<br>• Scenic landscapes<br>• Scenic features<br>• Municipal parks<br>• Urban edge zones as defined in the Urban Edge Policy<br>• Agricultural and horticultural areas/zones and adjacent road and rail reserves<br>• Specific areas or sites designated as maximum control by way of the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone as contained in the Stellenbosch Municipality Zoning Scheme Bylaw prepared by the Municipality | • Urban conservation overlay areas<br>• Declared Heritage sites<br>• Graded buildings and places<br>• Residential zones and adjacent road and rail reserves<br>• Pedestrian malls and pedestrian squares<br>• Private Open Spaces E.g. Golf courses<br>• River corridors<br>• Specific areas or sites designated as maximum control by way of the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone as contained in Stellenbosch Municipality Zoning Scheme Bylaw prepared by the Municipality | • Central business districts, unless within an urban conservation area<br>• Mixed use commercial and residential areas, unless within an urban conservation area<br>• Commercial ribbon development and activity corridors, unless within an urban conservation area<br>• Commercial and business districts and adjacent streets and rail reserves, unless within an urban conservation area<br>• Entertainment district or complexes with commercial zones, unless within an urban conservation area<br>• Educational institutions, Sports fields and stadiums, unless within an urban conservation area<br>• Limited zones (including railway reserves, transport use zones)<br>• Specific areas or sites designated as partial control by way of the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone as contained in the Stellenbosch Municipality Zoning Scheme Bylaw prepared by the Municipality | • In Heritage insensitive areas<br>• Designated transportation terminals unless historical conservation area or graded building or site<br>• Designed areas within limited use zones unless within an urban conservation area<br>• Specific areas or sites designated as minimum control by way of the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone as contained in the Stellenbosch Municipality Zoning Scheme Bylaw prepared by the Municipality<br>• Industrial zones |

## SCHEDULE 2: BILLBOARDS

Subject to approval in terms of this By-Law, the erection or display of a Billboard, whether custom made or of standard design, is permitted only in areas of minimum control and subject to a Traffic Impact Assessment and Visual Impact Assessment. In addition:

(1) If a billboard is visible from a class 2 or class 3 road, the billboard may not be placed less than 5 meters from the boundary line of the property on which it is proposed to be erected;

(2) No billboard will be permitted on a designated Gateway Route;

(3) A Billboard must comply with the standard conditions of approval set out in this By-Law;

(4) A Billboard must not encroach over the boundary line of the property on which it is erected, whether such encroachment is aerial or on ground level;

(5) A Billboard must have a minimum clear height of 2.4m and a structure which does not exceed a maximum height of 7.5m above natural ground level;

(6) The total surface area of a Billboard must not exceed 18m² provided that on any V-shaped structure, two such billboards may be permitted;

(7) A Billboard must be displayed between the angles of 90° and 60° to the direction of oncoming traffic;

(8) A Billboard must be spaced the minimum distance apart as specified in section 10 of this By-Law;

(9) A Billboard may not be erected or displayed within 50 meters of the perimeter of a signalised intersection if un-illuminated; and within 80 meters of the perimeter of the signalised intersection if illuminated;

(10) If erected along the right-hand side of a section of road, such that its graphics are visible to a driver traveling on the left-hand side of the road, then such billboard shall be deemed to have replaced the advertising opportunity that existed on the left-hand side of the road;

(11) A Billboard must have a minimum letter or number height of 285mm.

(12) If site specific circumstances justify a departure from any of the above requirements, the Municipality may elect to waive compliance and grant such consent subject to any conditions it determines as necessary.

(13) The application number as well as the name of the advertising company or owner of the advertisement, must be displayed in a visible area on the advertisement.

## SCHEDULE 3: LOCALITY BOUND FREESTANDING AND COMPOSITE ADVERTISEMENTS

(1) Subject to approval in terms of this By-Law and subsection 5, the erection or display of locality Bound freestanding and composite advertisements are permitted only in urban areas of maximum, partial and minimum control and subject to a Traffic Impact Assessment and Visual Impact Assessment. In addition:

(a) Locality bound freestanding advertisements may only be permitted in the following instances:

(i) where business premises are set back 15 meters or more from the road reserve boundary; or

(ii) where it is not reasonably possible to affix appropriate advertisements to a building; or

(iii) where such an advertisement is necessary to allow the public to locate the entrance to business premises; or

(iv) where the existence of a freestanding composite advertisement may prevent the proliferation of advertisements.

(2) Locality bound freestanding composite advertisements may not exceed 4,5 meters in height and in addition may not exceed 4.5m² in total surface area. This provision may be waived, after having regard to the following factors:

(a) if such increase reduces the number of individual advertisements facing any one street boundary of the site, thereby minimising the visual impact on the surrounding environment;

(b) if more than two significant roads approach the site in question;

(c) the number of businesses which will be advertising on such advertisement;

(d) the number of approach or exit routes to the site in question;

(e) the applicable zoning of the area surrounding the site in question.

(3) Service Station freestanding pylon advertisements must be locality bound and may only be erected or displayed at service stations adjacent to and directly accessible from the public road at which such an advertisement is directed and only one Service Station freestanding facility advertisement per street boundary may be permitted.

(4) Service station freestanding pylon advertisements may not exceed 7,5 meters in height and may not consist of more than eight advertising panels of 4.5m² each in

total surface area. In areas of maximum control, the maximum height is 4,5 meters and an area of 7.0m² on each side.

(5) In conservation areas and single residential zones only standard locality bound, free standing and composite advertisements shall be allowed as prescribed in Schedule 18.

## SCHEDULE 4: ADVERTISEMENTS ATTACHED TO WALLS OF BUILDINGS: FLAT AND PROJECTING ADVERTISEMENTS

Subject to approval in terms of this By-Law, the erection or display of flat and projecting advertisements are permitted in all areas of maximum, partial or minimum control. In addition, flat and projecting advertisements may:

(1) not be allowed within 1 meter of the edge of a roadway nor may it extend to within 1 meter of the edge of a roadway;

(2) not project in front of a wall more than 1,5 meters in the case of an advertisement which has a clear height of more than 7,5 meters or more than 1 meter in the case of any lesser clear height;

(3) not project more than 250 millimetres over a footway unless such advertisement has more than 2.4 meters in height;

(4) not obstruct the view from any window or any other external opening of any building and no portion of any such advertisement may obstruct the opening or closing of any window, door or any other openings.

(5) not exceed 5m$^2$ in total surface area and may not exceed 20% (in areas of maximum control), 30% (in areas of minimum and partial control) or one-quarter of the overall area of the surface to which they are affixed or painted whichever is the lesser. This size restriction may be waived on condition that:

(a) an Environmental Impact Assessment be submitted to the Municipality indicating no detrimental environmental impact is envisaged; and

(b) a Heritage Impact Assessment be submitted to the Municipality indicating no detrimental heritage impact is envisaged; and

(c) A Visual Impact Assessment be submitted to the Municipality indicating that no detrimental visual impact is envisaged; and

(d) A Traffic Impact Assessment be submitted to the Municipality indicating that no detrimental traffic impact is envisaged;

(6) may be considered for approval on blank common boundary facades of non-residential buildings.

(7) if the advertisement appears on public facades of any building—

(a) be so designed as to become an integral part of the building design; and

(b) when a third-party advertisement, only be permitted if custom-made and subject to the requirements of 5(a) to (c) above.

(8) No advertisements may be attached to walls or fences of residential buildings.

(9) The application number as well as the name of the advertising company or owner of the advertisement, must be displayed in a visible area on the advertisement.

## SCHEDULE 5: SKY ADVERTISEMENTS

(1) Subject to approval in terms of this By-Law, the erection or display of sky advertisements whether custom made or of standard design, is permitted in areas of minimum control only.

(2) In addition, sky advertisements must:

(a) be limited to a maximum total surface area of 4.5m$^2$ and subject to Traffic Impact Assessment, Environmental Impact Assessment, Heritage Impact Assessment and a Visual Impact Assessment indicating no detrimental traffic, environmental, visual or heritage impacts are envisaged; and

(b) not obstruct the view of or affect the amenity of any other building;

(c) be securely and properly anchored to the building where it will be erected, ensuring that all structural loads are safely distributed to the building's structural members without the need for additional guys, stays, or restraining devices;

(d) be constructed entirely from non-combustible materials approved by the Municipality. If illuminated, it cannot be positioned on or over the roof of any buildings unless both the advertisement and the entire roof construction are made of non-combustible materials as specified by the Municipality;

(e) be accompanied by an engineer's certificate, which certificate must be submitted to the Municipality within five (5) days of its completion;

(f) be positioned to avoid obstructing the run-off of rainwater from the building's roof and to prevent interference with any building feature, element, or component that requires direct exposure to solar radiation for proper functioning.

(3) Sky advertisements along the top edge of the roof of cultural, historic or architecturally significant buildings will not be allowed.

(4) The application number as well as the name of the advertising company or owner of the advertisement, must be displayed in a visible area on the advertisement.

## SCHEDULE 6: ROOF ADVERTISEMENTS

Subject to approval in terms of this By-Law, the erection or display of roof advertisements are permitted only in areas of minimum control and must comply with the following:

(1) The total surface area of any roof advertisement affixed flush onto or painted onto a roof of a building may not exceed one-quarter of the overall area of the roof to which it is affixed or painted.

(2) When attached to the bottom edge of a roof or vertically midway on the roof of a building, such advertisement may not exceed 500mm in height and its total surface area may not exceed 25% of the roof area to which it is affixed.

(3) not obstruct the view of or affect the amenity of any other building.

(4) be securely and properly anchored to the building where it will be erected, ensuring that all structural loads are safely distributed to the building's structural members without the need for additional guys, stays, or restraining devices.

(5) be constructed entirely from non-combustible materials approved by the Municipality and where roof advertisement is illuminated, it cannot be positioned on the roof of any buildings unless both the advertisement and the entire roof construction are made of non-combustible materials as specified by the Municipality.

(6) be positioned to avoid obstructing the run-off of rainwater from the building's roof and to prevent interference with any building feature, element, or component that requires direct exposure to solar radiation for proper functioning.

(7) It shall be permissible to affix a roof advertisement along the edge of a roof of a building, if such advertisement is composed of a single line of individual, cut-out letters, without visible bracing or support but may not be erected along more than two edges of such roof and may not exceed 3.6m² in total surface area; with a maximum height of 500mm.

(8) The application number as well as the name of the advertising company or owner of the advertisement, must be displayed in a visible area on the advertisement.

## SCHEDULE 7: ADVERTISEMENTS ON A VERANDAH, BALCONY, CANOPY, SUPPORTING COLUMNS, PILLARS AND POSTS

Subject to approval in terms of this By-Law and subsection 11 below, the erection or display of advertisements on a veranda, balcony, canopy, supporting columns, pillars and posts may only be permitted in areas of partial and minimum control on the condition that they also comply with the following:

(1) No advertisements may be attached to Historical Buildings.

(2) No such advertisements will be allowed on or over architectural features of buildings.

(3) Such advertisements may be affixed flat onto or painted on a parapet wall, balustrade or railing of a veranda or balcony, and beam or fascia of a veranda or balcony.

(4) The advertisement may not exceed 1m in height or project above or below or beyond either end of the surface to which it is affixed, or project more than 250mm in front of the surface to which it is affixed or project over a roadway or within 0,6 meters of the edge of the roadway.

(5) Such advertisements may be affixed flat onto or painted on supporting columns, pillars and posts. In this regard, no advertisement may project more than 50mm in front of the surface to which it is affixed and may not extend beyond any of the extremities of such column, pillar or post. Advertisements affixed flat onto non-rectangular supporting structures must be curved to fit the form of such structure.

(6) Only one advertisement per column, pillar or post will be allowed.

(7) Such advertisements suspended below the roof of a veranda, canopy or the floor of a balcony may not exceed 1,8 meters in length or 600mm in height.

(8) Every such advertisement must be at right angles to the building line.

(9) No advertisements suspended under a canopy may extend beyond the external edge of the canopy or veranda to which it is attached.

(10) All suspended advertisements must have a clear height of at least 2,4 meters.

(11) Such advertisements on the roof of a veranda, canopy or balcony, excluding the main roof of a building, must be composed of a single line of freestanding individual, cut-out silhouette letters without visible bracing or other visible means of support and may not be erected along more than two edges of such roof of a veranda or balcony.

(12) No such advertisement shall be allowed in a conservation area within a single residential zone unless a Heritage Impact Assessment is submitted which confirms that no negative impact would be made on any heritage resources.

(13) The application number as well as the name of the advertising company or owner of the advertisement, must be displayed in a visible area on the advertisement.

## SCHEDULE 8: ADVERTISEMENTS ON BOUNDARY WALLS AND FENCES AND ON CONSTRUCTION SITE HOARDINGS

Subject to approval in terms of this By-Law, the erection or display of advertisements on boundary walls and fences is permitted only for locality bound advertisements in urban areas of maximum, minimum or partial control and in addition:

(1) In urban areas of maximum and partial control, the Municipality may approve an application to affix a locality bound advertisement against a boundary wall only if the advertisement is indented into the wall or composed of individual, un-illuminated cut-out letters or symbols fixed flat on such wall not projecting more than 50mm from the surface of such wall.

(2) In areas of minimum control, the Municipality may approve, subject to Visual Impact Assessment—

(a) an application to affix a locality bound advertisement flat onto a boundary wall only if it does not project more than 50mm from the face of such wall; and

(b) an application to affix a locality bound flat advertisement with a maximum size of 0.5m² onto the permanent fence of property.

(3) Third party and locality bound advertising on construction site hoardings and fences must comply with the following conditions:

(a) any one advertisement may not exceed a vertical dimension of 3 meters and total surface area of 18m² and in the case of construction site cladding, the graphic must comply with the requirements of the Advertising Standards Authority of South Africa.

(b) any such advertisement may not project more than 100mm in front of the hoarding or fence to which it is affixed;

(c) it may not be illuminated in areas of maximum and partial control; and

(d) advertising will not be allowed on construction site hoardings and fences within the cone of vision of motorists at signalised traffic intersections.

(4) The application number as well as the name of the advertising company or owner of the advertisement, must be displayed in a visible area on the advertisement.

## SCHEDULE 9: HEADLINE POSTERS

Subject to approval in terms of this By-Law, the erection or display of headline posters is permitted in all areas of control except natural and rural areas of maximum control. In addition:

(1) Headline posters may not exceed 0.9m x 0.6m in area.

(2) 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.

(3) The posters may be attached to Municipal electrical light poles only where approved by the Municipality for the express purposes of these posters.

(4) Posters may not be affixed to traffic sign poles, or other poles which carry road traffic signs, or poles erected for any other purpose except as provided for in item 5 below, or any other street furniture, walls, fences, trees, rocks or other natural features.

(5) Headline posters may not be pasted on municipal electric light poles but are to be mounted on board and affixed securely with stout string or plastic ties unless a permanent frame has been approved for this purpose.

(6) Only one headline poster per pole, regardless of which newspaper group it is, will be permitted, and must be at a uniform height of approximately 2 meters.

(7) The number of posters as well as the designated areas for the display of headline posters as approved by the Municipality must be strictly adhered to.

(8) All ‘‘special events’’ posters are to comply with the following:

(a) the name of the newspaper group, the ‘‘special event’’ and the date of the “special event’’ must appear on the posters in letters not less than 50mm in height;

(b) the “special event” posters may not be displayed more than 14 days before the date of the event and they must be removed within 48 hours after the date of the event shown on the poster.

(9) Headline posters and fastenings are to be removed on a daily basis failing which the posters will be removed, at the newspaper group’s expense, in accordance with the standard charges for removal of posters.

(10) The Municipality may recover the costs of the removal of unauthorised posters, and the reinstatement of the surface from which such posters were removed, from the

person responsible for the display of such posters or the newspaper group concerned.

(11) The Municipality may remove any poster displayed in contravention of the abovementioned conditions.

(12) Any poster not removed on a daily basis or a poster relating to a ‘‘special event” by due date referred to in item 8(b) may be removed by the Municipality.

(13) The display of unauthorised posters is illegal, and the Municipality may also remove such posters.

(14) The Municipality may determine the costs involved for the removal of unauthorised posters.

(15) Application must be made on an annual basis by each newspaper group for permission to display such posters subject to an annual fee per newspaper group.

(16) A deposit per newspaper group who wishes to display posters must be paid annually against which a charge for the removal of any poster which contravenes the By-Law will be levied. In the event of the above deposit being exhausted, permission to display such poster may be withdrawn until a further deposit is submitted to the Municipality.

## SCHEDULE 10: POSTERS, BANNERS, TEAR-DROP BANNERS, FLAGS AND BALLOONS

Subject to approval in terms of this By-Law, the erection or display of posters, banners, tear-drop banners and flags other than those referred to in Schedule 11, or balloons, is permitted in all areas of control, except areas of maximum control. Only to be displayed within or adjacent to property associated with advertisement. In addition:

(1) The display of posters, banners, tear-drop banners, flags and balloons is prohibited on any bridge or across any public road, and along any road designated by the Municipality, unless consent has been obtained from the Municipality.

(2) Posters, banners, tear-drop banners, flags and balloons may not be attached in any manner which may interfere with or constitute a danger to passing pedestrians or vehicular traffic.

(3) Flags or banner-type displays exceeding 5m² are prohibited, with individual flags not to exceed 2m². Additionally, flagpoles must adhere to property zoning height restrictions, with a maximum allowable height of 8 meters above natural ground level, measured vertically from the base of the pole to its highest point.

(4) No poster, banner, tear-drop banner, flag, or balloon may be displayed within 30 meters of any road traffic signs or traffic signal. Permission may be granted by the Municipality to relax this requirement, but this is subject to a Traffic Impact Assessment and Visual Impact Assessment confirming that this will not cause any adverse road traffic safety risk.

(5) Posters, banners, flags, or balloons may not be affixed to trees, traffic signal poles, electrical or service authority distribution boxes, or other poles which carry road traffic signs, rock features, other natural features, street furniture or other Municipal property.

(6) Posters, banners, tear-drop banners, flags, or balloons may not be affixed in such a way that they unfairly prejudice other businesses or organisations or obscure any approved existing advertisements.

(7) Only one banner per premises will be permitted unless the Municipality's written permission is obtained for more than one.

(8) A maximum of five flagpoles bearing national flags may be erected on the premises of an accommodation facility on a single residential property.

(9) Subject to the conditions laid down in paragraph 4 of this schedule, a maximum of two tear-drop banners or flags displaying the name, corporate symbol or nature of the business on the premises on which it is displayed, may be allowed.

(10) Posters, banners, tear-drop banners, flags, and balloons must be maintained in a clean and undamaged condition while displayed. If notified in writing by the Municipality, any materials found to be in disrepair or unclean, must be promptly removed from display.

(11) The application number as well as the name of the advertising company or owner of the advertisement, must be displayed in a visible area on the advertisement.

## SCHEDULE 11: TEMPORARY POSTERS, TEAR-DROP BANNERS, BANNERS AND FLAGS ON PUBLIC ROADS AND PUBLIC PLACES

Subject to approval in terms of this By-Law, the erection or display of posters, banners, tear-drop banners and flags in public roads or public places, for the purpose of advertising specific events, is permitted in all areas of control except natural and rural areas of maximum control. In addition —

(1) Approval for third party advertising on posters, banners, tear-drop banners, flags and balloons may only be granted for a function or event conducted for religious, educational, social welfare, animal welfare, sporting, civic or cultural purposes or for a function or event relating to a Municipal, Provincial or Parliamentary election or referendum.

(2) The name of the host organisation, the date and venue must appear on the material in letters not less than 50mm in height.

(3) Posters, banners tear-drop banners and flags may only be erected to advertise the event and the name or emblem of a sponsor may not cover more than 20% of the surface of the material.

(4) The Municipality may levy a tariff to cover the cost for the removal of material which has been erected without the approval of the Municipality given under the hand of an official.

(5) Posters, banners, tear-drop banners and flags may be displayed for a maximum period of 14 (fourteen) days prior to the event and must be removed within 2 (two) days from the date of the event or the last day thereof as applicable.

(6) Posters with a maximum measurement of 80 cm x 50 cm must be mounted on a board and affixed securely with stout string or plastic fastening without damage caused to the poles. No securing material with a metal content is permitted.

(7) Posters, banners, tear-drop banners and flags, excluding election posters and flags, may only be erected alongside the roads, or places as indicated by the Municipality and may not be erected in residential areas or on bridges. No political banners will be allowed.

(8) Only one poster or flag per organisation may be erected on every second streetlight pole.

(9) Posters and flags must be erected at a uniform height of approximately 2 (two) meters measured from natural ground level.

(10) No posters, banners, tear-drop banners or flags may be affixed to trees, traffic signs, traffic signals, central ridges, existing advertising advertisements or any municipal buildings or over hydrant identification advertisements.

(11) No posters, banners, tear-drop banners and flags may be displayed within 30 meters of any road traffic sign or traffic signal.

(12) All materials used to affix the posters must be removed together with the posters.

(13) The Municipality may remove any indecent or torn posters, banners, tear-drop banners or flags, or any posters, banners or flags which create a traffic hazard in the opinion of the Municipality.

(14) The Municipality is exempted from claims that may be instituted against the Municipality as a result of the display of posters, banners, tear-drop banners and flags.

(15) The display of posters, banners, tear-drop banners and flags purely for commercial advertising is not permitted, provided that any poster, banner or flag which relates to a sport, the arts, or a cultural event may be permitted, despite such posters, banners, tear-drop banners or flags containing commercial elements. The commercial element may not exceed 20% of the extent of the poster, banner, tear-drop banner or flag.

(16) Organisations or persons who obtained approval to display posters or flags must pay a deposit as determined by the Municipality, which shall entitle that person to display the said poster or flag for a maximum period of 14 days, or such time as stipulated by the Municipality. No poster or flag may be displayed without such deposit having been paid.

(17) The Municipality may remove or request the applicant to remove all posters, banners, tear-drop banners or flags should any of the above conditions not be complied with.

(18) Posters, banners, tear-drop banners or flags that are not removed by the due date may be removed by the Municipality in which case the deposit paid in terms of item 15 will be forfeited to the Municipality.

(19) Banners will be erected or removed by the Municipality at a rate as approved from time to time and the banner must comply with the specifications as laid down by the Municipality.

(20) The application number as well as the name of the advertising company or owner of the advertisement, must be displayed in a visible area on the advertisement.

## SCHEDULE 12: ESTATE AGENT ADVERTISEMENTS

Subject to approval in terms of this By-Law, the erection or display of estate agent advertisements is permitted in all areas of control except natural areas of maximum control. Only estate agents registered and licenced with the Property Practitioners Regulatory Authority will be allowed to erect show houses advertisements. Proof of registration must accompany the application. In addition:

(1) Estate Agencies must apply annually for permission to display advertisements and approval may be subject to payment of an annual fee in accordance with the Municipality's by-law and policy on tariffs.

(2) A deposit may be required by the Municipality against which a charge for the removal of any advertisement which contravenes this By-law will be levied. In the event of the above deposit being exhausted, permission to display such signage may be withdrawn until a further deposit is paid to the Municipality.

(3) Any Estate Agent advertisement unlawfully erected, or in contravention of the provisions of this Schedule, will be subject to a charge by the Municipality; in the event of the said advertisement not being removed, photographic evidence of the unlawful advertisement may be obtained by the Municipality prior to levying the said charge.

(4) "For sale", "Sold" and "To let" advertisements shall be fixed flat to the surface of the boundary fence or wall of the property.

(5) "Sold" advertisements may be displayed, fixed flat to the surface of the boundary fence or wall of the property, for a maximum period of two weeks.

(6) No advertisement may be erected in such a way that any part of it is closer than 1.5m from a road verge.

(7) No advertisement may be erected on centre islands.

(8) No advertisement may obscure a road traffic signs or traffic signal.

(9) No advertisements may be erected on any tarred area of pavements.

(10) Estate agent advertisements may not exceed 0.3m² in total surface area.

(11) "Show House'' advertisements may be displayed only from 12h00 on Fridays to 20h00 on Sundays.

(12) Show house advertisements may not be affixed to trees, traffic signals, street poles or other poles which carry road traffic signs, walls, fences, rocks, other natural

features or landscaped areas, street furniture, or other Municipal property, unless such other display is authorised by the Municipality in writing.

(13) On each advertisement, the wording ‘‘On Show’’, ‘‘Show House’’, “Show Flat’’ or “Show Plot’’ with the Agency’s name and directional arrow must be displayed as well as the date.

(14) Show house advertisements may be displayed on stakes making use of a design approved by the Municipality. Estate Agent advertisements may not be displayed on concrete, tarred or paved surfaces. It is not permissible for stakes to penetrate the ground deeper than 15cm.

(15) Not more than six estate agents’ directional advertisements will be permitted in total per show house, show plot or block of flats in which a show flat is on display. The definition of one advertisement will include the display of two advertisement boards only when such boards are sandwiched back to back around an electric light pole.

(16) Show houses advertisements may not be displayed along Scenic Routes or on any bridge, public park or public open space.

(17) Directional advertisements may be displayed along main routes only, being the shortest route from a main road to the property.

(18) Only one directional advertisement per show house/flat/plot may be displayed along class 2 or 3 roads, excluding roads referred to in item 7 above.

## SCHEDULE 13: LOOSE PORTABLE ADVERTISEMENTS

Subject to approval in terms of this By-Law, the erection or display of loose portable advertisements is permitted in areas of minimum and partial control as well as designated areas within urban areas of maximum control. In addition:

(1) Loose portable advertisements may not be placed in a road reserve, on municipal property or in public open spaces without the written permission of the Municipality.

(2) The Municipality may remove and impound loose portable advertisements placed without permission in a road reserve, on Municipal property or in public open spaces. Owners can recover their advertisements on payment of the prescribed fee as determined the Municipality which will be used to defray the cost of removal, storage and transportation.

(3) The following criteria will apply in respect of an application in terms of item 1:

(a) that it does not pose a public safety hazard;

(b) that it does not obstruct or cause inconvenience to the public either by its physical size or location;

(c) that it does not unfairly prejudice other traders;

(d) that the loose portable advertisement does not detract from the amenity of the local streetscape or local environment;

(e) that it is intended solely to advertise the name of the business, goods or services for sale from the advertiser's premises;

(f) that the maximum dimensions of the proposed loose portable advertisement must be 1.2m (height) x 0.6m (width);

(g) that it may be placed directly in front of the advertiser's premises, provided that the above criteria are met; and

(h) that a minimum clear footway width of 1,8 meters must remain clear and 2,5 meters in the central business district and sidewalks with high pedestrian volumes.

(4) The Municipality may demarcate areas within the road reserve or on municipal property where, during normal trading hours, applicants may then place the approved loose portable advertisements. The said advertisements must be removed outside normal trading hours and stored away from public view.

(5) The Municipality may levy tariffs for displaying the loose portable advertisements, which tariffs shall be payable in advance for a maximum period of six months.

(6) Applicants will be required to indemnify the Municipality against any claims from third parties that may arise, due to the placement of loose portable advertisements within the road reserve or on municipal property.

(7) Notwithstanding the above, the Municipality may cause the removal or impoundment of the advertisement or advertisements should the applicant contravene any of the above conditions.

## SCHEDULE 14: AERIAL ADVERTISEMENTS

Subject to approval in terms of this By-Law, the erection or display of aerial advertisements is permitted only in urban areas of minimum control. In addition:

(1) No aerial advertisements affixed to any building or structure may be flown at a height of more than 45 (forty-five) meters from the surface measured from ground level;

(2) Aerial advertisements may not be flown above a public road;

(3) Any written application for the display of an aerial advertisement must be accompanied by the following, where applicable:

(a) An engineer certificate confirming that the structure and tethering is suitable for display of the aerial advertisement;

(b) all details regarding the content and dimensions of the aerial advertisement that will be used for display.;

(c) particulars of the materials used and method of construction and anchorage;

(d) particulars of the intended location with a description of the property, premises or structure to which the aerial advertisement will be anchored or tethered and details of electricity and telephone poles and cables and any other structures within 30m from the point of anchorage of the aerial advertisement or the length of tether, whichever is the greater;

(e) 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 advertisement and its owner/s;

(f) the period and times of intended display of the aerial advertisement;

(g) Where the applicant is not the owner of the property to which the aerial advertisement is to be anchored or tethered, written consent from the property owner must be obtained for anchoring purposes;

(h) proof of the provision of an automatic deflation device;

(i) public liability insurance cover to the Municipality’s satisfaction;

(j) approval by the national Civil Aviation Authority for the display of the aerial advertisement;

(4) The application number as well as the name of the advertising company or owner of the advertisement, must be displayed at the anchor or tethering point of the aerial advertisement.

## SCHEDULE 15: TRANSIT ADVERTISING

Subject to approval in terms of this By-Law, the erection or display of transit advertisements is permitted only in urban areas of minimum control. In addition:

(1) The parking of a transit advertisement which is visible from a public road or a public place for the purpose of third-party advertising is prohibited, except if it is displayed on a designated display site approved in terms of this By-Law as well as the Streets By-Law.

(2) Transit advertisements parked on private property for the purpose of storage must be positioned in such a manner as not to be visible from a street or public place.

(3) The advertising panel or portion of the vehicle used for transit advertising may not have a total surface area exceeding 18m².

(4) The Municipality may designate sites in areas of minimum control for transit advertising and may publish notices indicating such sites.

(5) Notwithstanding any provisions of this By-Law, the Municipality may, without prior notice, remove any unauthorised transit advertisements from municipal property, and, in the case of unauthorised transit advertising on private property, the Municipality may serve a notice ordering the removal thereof in terms of this By-Law.

(6) Transit advertisements must be properly fixed to the ground at the parking location.

(7) The application number as well as the name of the advertising company or owner of the advertisement, must be displayed in a visible area on the advertisement

## SCHEDULE 16: ADVERTISEMENTS ON MUNICIPAL LAND OR BUILDINGS

(1) No advertisement may be displayed or erected on municipal land or buildings without the written permission of the Municipality.

(2) The following specific conditions and criteria will apply to the advertisements mentioned in items (a) to (c) below:

(a) Commercial advertisements other than those in section 14 (10).

Notwithstanding the area of control within which it is proposed to erect a commercial advertisement on Municipal land or buildings, and subject to compliance with all other provisions of this By-Law, the Municipality may consider a commercial advertisement for approval, subject to the following:

(i) Public or community needs, or goals must be identified or adopted by the Municipality and if such needs can be addressed either entirely or in part by the granting of concessions to particular persons for the erection of commercial advertisements, the Municipality may call for public input on such public or community needs or goals and the related advertising opportunity;

(ii) In order to identify such public or community needs or goals, the Municipality and other interested authorities must consult prior to proposals being invited, so as to establish conditions, criteria and constraints in respect of such advertising;

(iii) The Municipality's Supply Chain Management Policy will apply;

(iv) that any proposal be evaluated on the following factors:

(aa) the adherence to the principles of this By-law;

(bb) the design contribution;

(cc) the best community benefit offered;

(dd) the creativity and public safety;

(ee) the permanence of the contribution to the community goals or needs; and

(ff) the recovery cost over the period of the erection of the advertisement as opposed to the largest advertising opportunity or financial gain.

(v) When contributions in kind are to be recovered by the Municipality, a conversion thereof to a monetary contribution to the Municipality's income base will be assessed;

(vi) the Municipality, as landowner, reserves the right not to proceed with any proposal prior to final approval thereof and the call for invitations for proposals in any respect shall not be regarded decision by the Municipality to proceed with the erection of an advertisement in respect of a specific site;

(vii) Once accepted, any advertisement to be erected in terms of this schedule must be the subject matter of a written agreement between the Municipality as landowner and the person responsible for the erection of the advertisement.

(b) Sponsored advertisements

Notwithstanding the area of control within which it is proposed to erect such an advertisement on Municipal owned land or buildings and subject to compliance with all other provisions of this By-Law, the Municipality may consider a sponsored advertisement for approval on condition that:

(i) written detail will be provided which clearly indicates the recognised community goals which will be promoted by the erection or display of the proposed advertisement;

(ii) advertisements with a political content will not be permitted;

(iii) no more than 5% of the total surface area of the advertisement is used for third party advertising;

(iv) the maximum size of any such advertisement will be 6m x 3m; provided in the event of a V-shaped advertisement where the size may not exceed two panels of 6m x 3m each. Not allowed in areas of maximum control;

(iv) applications for billboards to be erected in terms of this section must comply with the requirements as set out in Schedule 2;

(vi) no advertisement erected in terms of this clause be located within 5 meters of a property's boundary line.

(c) Non-profit body advertisements

Notwithstanding the area of control within which it is proposed to erect an advertisement, and subject to compliance with all other provisions of this By-

Law, the Municipality may consider the erection of an advertisement by or for the benefit of a non-profit body subject to compliance to a Visual Impact Assessment and with the requirements set out in Schedule 17.

## SCHEDULE 17: ADVERTISEMENTS ERECTED BY OR FOR THE BENEFIT OF NON-PROFIT ORGANISATIONS

Notwithstanding the area of control within which it is proposed to erect an advertisement by or for the benefit of a non-profit organisation, and subject to compliance with all other provisions of this By-Law, the Municipality may consider such an advertisement for approval subject to the following:

(1) written details from the host non-profit organisation regarding the nature and extent of the support to be received from the erection or display of the advertisement must be delivered to the Municipality together with the other information set out in Section 4 of this By-Law;

(2) the extent of involvement of previously disadvantaged communities, small businesses, job creation and empowerment will be considered in any proposal;

(3) any proposal will be evaluated on the following factors;

(a) the adherence to the principles or provisions of this By-Law;

(b) the design contribution;

(c) the best community benefit offered;

(d) the creativity and public safety; and;

(e) the permanence of the contribution to the community goals or needs as opposed to the largest advertising opportunity or financial gain.

(4) in the event of it being proposed that the said advertisement will be erected on municipal property:

(a) the Municipality must evaluate the proposal;

(b) the Municipality as landowner reserves the right not to proceed with any proposal prior to final approval thereof; and

(c) if accepted, a written agreement between the Municipality, the person responsible for the erection of the advertisement and the non-profit body must be entered into.

(5) In addition, the following conditions will apply:

(a) advertisements with a political content will not be permitted;

(b) the maximum size of any such advertisement is 6m x 3m; provided in the event of a V-shaped advertisement being proposed, its maximum size will not exceed two panels of 6m x 3m each;

(c) applications for billboards to be erected in terms of this section must comply with the requirements as set out in Schedule 2;

(d) no advertisement erected in terms of this clause may be located within 5 meters of a property's boundary line;

(e) the name of the non-profit body must be displayed on the advertisement with a maximum 300mm lettering height;

(f) all parties that may be affected by the erection or display of such advertisement must be given opportunity for their input;

(g) the Municipality may require submission of impact assessment studies; and

(h) no more than two advertisements of 6m x 3m each may be permitted, or alternatively one V-shaped advertisement with a maximum of two panels of 6m x 3m each on any one property. In addition, only one advertisement per street frontage will be permitted.

## SCHEDULE 18: STANDARD FREE STANDING AND COMPOSITE ADVERTISEMENTS IN CONSERVATION AREAS

Subject to approval and in accordance with this By-Law, the erection and display of standard free standing and composite advertisements will be the primary way of advertising in conservation areas and in areas of single residential zoning. In addition:

(1) Only one standard advertisement, designed according to Municipal requirements, will be allowed on a property.

(2) A composite advertisement of a maximum of two advertisements and size not exceeding a total surface area of 1.8 $m^2$ per advertisement, showing only the name of the business and its main product, will be allowed.

(3) In the case of a business centre, more than one advertisement per advertising structure will be allowed in which case the business centre's name and the names of the businesses in the centre may be displayed.

(4) The advertisements shall:

(a) Comply to the design standards and requirements of the Municipality.

(b) Not be displayed in the road reserve.