

# **STELLENBOSCH MUNICIPALITY**

## **OUTDOOR ADVERTISING AND SIGNAGE BY-LAW**

**To provide for the regulation and management of outdoor advertising and signage within the area of the Stellenbosch Municipality; to ensure public health and safety and the protection of the natural and built environment; to create offences and penalties; to repeal previous laws relating to outdoor advertising; and to provide procedures, mechanisms and policies for the effective administration of this function.**

### **PREAMBLE**

**WHEREAS** section 156(1)(a) of the Constitution of the Republic of South Africa, 1996, confers on municipalities the executive authority and right to administer local government matters listed in Part B of Schedule 5 to the Constitution;

**AND WHEREAS** Part B of Schedule 5 lists billboards and the display of advertising in public places as a matter falling within the functional area of local government;

**AND WHEREAS** sections 156(2) and 156(5) of the Constitution empower municipalities to make and administer by-laws for the effective administration of matters which they have the right to administer and to exercise any power reasonably necessary for, or incidental to, the effective performance of their functions;

**AND WHEREAS** the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and the Western Cape Land Use Planning Act, 2014 (Act 13 of 2014) require municipalities to ensure that land-use management and development control are consistent with sound spatial-planning principles;

**AND WHEREAS** the Stellenbosch Municipality recognises the need to ensure transparency, public participation and community involvement in the regulation of outdoor advertising and signage;

**AND WHEREAS** this By-law limits certain rights to freedom of expression and economic activity only to the extent that such limitation is reasonable and justifiable in an open and democratic society in terms of section 36 of the Constitution, in order to ensure road safety, protect heritage and environmental resources, and maintain public amenity;

**NOW THEREFORE**, the Municipal Council of Stellenbosch, acting in terms of section 156 of the Constitution, read with Part B of Schedule 5 and section 11 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), adopts and promulgates this By-law.

## **1. DEFINITIONS**

In this By-law, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), the Western Cape Land Use Planning Act, 2014 (Act 13 of 2014), or the Stellenbosch Municipality Land Use Planning By-law, 2023, has the meaning so assigned, and—

**“Advertising”** means the act, process or practice of displaying, publishing or communicating on a sign, in any manner visible or audible from a public place, and includes the commissioning, placement or projection of such display by any person or entity for reward, commercial advantage or professional gain.

**“Advertising Structure”** means the physical structure of a permanent or temporary in nature, designed, used or intended to display a sign for advertising purposes and, includes its supporting framework, backing, braces and associated fittings.

**“Aerial Advertising”** means advertising that is displayed or performed in the air, including but not limited to balloons, blimps and similar devices visible from within the municipal area.

**“Approval”** means approval granted by the Municipality in terms of this By-law, and “approve” has a corresponding meaning.

**“Area of Control”** means an area demarcated by the Municipality as an area of maximum, partial or minimum control in accordance with SAMOAC and the spatial demarcations shown in the Zoning Scheme Overlay Zones, within which specific categories of advertising may be permitted or prohibited.

**“Authorised Official”** means an employee of the Municipality or any other person authorised in writing to perform a function or exercise a power in terms of this By-law.

**“Balcony”** means a floor or platform projecting from the external wall of a building at a level higher than the ground floor, enclosed only by a low wall, balustrade or railing, and which may include a roof or covering but is not enclosed by walls on more than two sides.

**“Banner”** means any material upon which advertising is displayed so 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 excluding banners carried as part of a procession. A flag that is not displayed on an approved flagpole is, for purposes of this By-law, deemed to be a banner.

**“Billboard”** means a free-standing or building-mounted sign used or intended to be used to display third-party advertising with a total surface area typically not less than four comma five square metres (4,5 m<sup>2</sup>), as further regulated under the billboard sign class.

**“Clear Height”** means the vertical distance between the lowest edge of an advertising structure and the natural level of the surrounding ground, footway or roadway immediately below the advertising structure.

**“Composite Advertising”** means a single freestanding advertising structure displaying more than one sign, whether locality-bound or non-locality-bound, for the same or different occupiers, on a single advertising structure.

**“Council”** means the Municipal Council of the Stellenbosch Municipality.

**“Display”** means to erect or exhibit advertising visible to the public view by any method whatsoever, and “displayed” has a corresponding meaning.

**“Electronic Advertising”** means advertising with an electronically controlled illuminated display surface, including light-emitting diode, liquid crystal displays or other digital display technologies, that allow all or a portion of the content to be changed or illuminated in different ways.

**“Environmental Impact Assessment” (EIA)** means a written assessment of the potential environmental effects of advertising, prepared in accordance with the National Environmental Management Act, 1998 (Act 107 of 1998) by a registered environmental assessment practitioner.

**“Flat Advertising”** means advertising affixed to, or painted directly onto, a wall of a building but not onto or over windows, doors or architectural articulations and projecting no more than two hundred and fifty millimetres (250mm) in front of such wall.

**“Freestanding Advertising”** means advertising contained or displayed on one freestanding structure not attached to a building or to a structure or object not intended primarily for advertising.

**“Gateway Route”** means a prominent route providing an entrance to or exit from a specific part of the municipal area, consisting of man-made or natural features that create a strong sense of arrival or departure, and designated as such in the Zoning Scheme Overlay Zones.

**“Graphic”** means any visual image, illustration, symbol, design or pattern applied to or displayed on a surface, including a wall, screen, fabric, or similar medium, for the purpose of decoration, illustration, information or communication, whether or not forming part of any advertising.

**“Heritage Impact Assessment” (HIA)** means a written assessment of the impact that any proposed advertising may have on cultural heritage resources, prepared in accordance with the National Heritage Resources Act, 1999 (Act 25 of 1999) by a suitably qualified and experienced heritage practitioner or other registered professional.

**“Locality-Bound”** means any advertising displayed on a specific property, premises or building (including municipal land adjacent to or abutting that property) which refers to an activity, product, service or attraction located, rendered or provided on or from that property, premises or building.

**“Municipality”** means the Municipality of Stellenbosch established by Provincial Notice 479 of 22 December 2000 issued in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and includes—

- (a) the Council;
- (b) a political structure or office bearer authorised or delegated to perform a function or exercise a power in terms of this By-law;
- (c) the Municipal Planning Tribunal;
- (d) the Municipal Manager; and
- (e) any employee of the Municipality acting under delegated or sub-delegated authority.

**“Non-locality-bound”** means any advertising that does not comply with the definition of “Locality-Bound”, including any advertising promoting a product, service, activity or event not located or provided on the property on which the advertising is displayed.

**“Owner”** includes any person who is the registered owner of land or a building, the lawful occupier or tenant thereof, or a person acting under a valid mandate from such owner and includes a body corporate, trust, or similar juristic person.

**“Overlay Zone”** means a mapped spatial layer superimposed on a base zoning in terms of the Stellenbosch Zoning Scheme, which imposes additional or alternative land use controls, development parameters or environmental restrictions to protect heritage, scenic, or conservation areas, and within which the level of advertising control (maximum, partial or minimum) is determined.

**“Public Notice”** means a notice issued by or on behalf of the Municipality in terms of this By-law or any applicable law, for the purpose of informing the public of an application, decision, intention or regulatory action, and which—

- (a) is published in a manner prescribed by this By-law or, where no manner is prescribed, in at least one local newspaper circulating within the municipal area;
- (b) may include display on the official municipal website, notice boards, or by written or electronic communication to affected parties; and
- (c) must contain sufficient information to enable any interested or affected person to understand the nature and purpose of the matter to which it relates and to make representations within the prescribed period.

**“Public Place”** means any land, street, road, thoroughfare, sidewalk, square, park or open space—

- (a) that is owned, controlled or managed by the Municipality or another organ of state, and to which the public has lawful physical access; or
- (b) that the public may lawfully enter or use as of right in terms of any law or servitude, and includes any place from which advertising on private property are visible to members of the public.

**“Public Road”** means a public road as defined in the National Road Traffic Act, 1996 (Act 93 of 1996).

**“Road Reserve”** means the designated area of land containing a public street or private road (including the road and associated verge) 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, 1996 (Act 93 of 1996).

**“Roof Advertising”** means advertising affixed to the roof of a building where the top edge of any part of that advertising does not exceed the height of the roof plane to which it is affixed.

**“Rural Area”** means an area outside the urban edge.

**“SAMOAC”** means the South African Manual for Outdoor Advertising Control, 2011, as may be amended, which is hereby adopted as a technical reference for this By-law.

**“Scenic Route”** means a road designated as such on the Scenic Routes Overlay Zone Map, from which landscapes or features of aesthetic or cultural significance can be seen or viewed.

**“Security Advertising”** means an outdoor advertising for neighbourhood watch and similar schemes, or advertising 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 advertising is displayed.

**“Sign”** means any physical or structural device, board, banner, poster, flag, screen, or surface, whether permanent, temporary, stationary or mobile, used or intended to display or support advertising and used for advertising purposes and which is visible from a public place, and includes the framework, support, foundation, bracket, cable, anchor or other apparatus associated with its display but excludes a Traffic Sign or Traffic Signal.

**“Signage”** means any coordinated system, arrangement or display of one or more signs on a site, building or structure forming part of a single development, property or enterprise, and includes the design, layout, materials, illumination and maintenance of such signs as a collective scheme.

**“Surface Area”** means the total area of the smallest geometric shape or combination of regular shapes that completely encloses the outer limits of the sign, excluding any advertising structure, framework, or bracing.

**“Street Furniture”** means public facilities and structures not intended primarily for advertising, including 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 excluding road traffic signs, traffic signals, street lights or other road-related structures.

**“Street-pole Advertising”** means advertising attached to a street-light pole, lamppost or similar municipal infrastructure within the road reserve, used for the display of locality-bound or third-party advertising.

**“Third-Party Advertising”** means advertising of goods or services that are not made, procured, sold or delivered from the property on which the advertising is fixed or placed, and includes Non-locality-bound advertising.

**“Traffic Impact Assessment” (TIA)** means a written assessment prepared by a professionally registered traffic or transportation engineer, to determine—

- (a) the potential effects of proposed advertising, sign or advertising structure on vehicular, pedestrian and cyclist movement, road safety, visibility of official traffic signs, and traffic operations; and
- (b) any mitigation measures necessary to ensure that the proposed advertising, sign or advertising structure does not adversely affect public safety or traffic efficiency.

**“Transit Advertising”** means advertising displayed on, within, or attached to a vehicle, vessel, aircraft, trailer, or public transport facility, including buses, taxis, trains, or shelters, and which is visible from a public road or place, whether stationary or in motion, and includes advertising within public transport terminal or on associated structures, but excludes ordinary markings identifying the name or service of the vehicle operator.

**“Urban Area”** means an area within the urban edge of a town.

**“Urban Edge”** means the boundary delineating the limit of urban development as shown on the Zoning Scheme Map or Urban and Rural Conservation Overlay Zone.

**“Veranda”** means a covered platform, walkway or open gallery attached to the exterior of a building and projecting over part of the frontage, enclosed on not more than two sides by the building’s external walls, and usually covered by the main roof or a separate roof supported by columns or posts.

**“Visible from a public road”** means visible, whether directly or indirectly, to a driver of a vehicle travelling on a public road at any point within five hundred metres (500m) of the advertising or sign, under normal daylight or night-time conditions.

**“Visual Impact Assessment” (VIA)** means a written assessment prepared by a registered professional with demonstrable expertise in landscape or visual assessment, such as a professional landscape architect or architectural technologist, undertaken in accordance with the Stellenbosch Zoning Scheme 2024, SAMOAC (2011) and any municipal guidelines, to determine—

- (a) the visual character and sensitivity of the receiving environment;
- (b) the degree of visibility and potential cumulative visual impact of the proposed advertising or sign from public viewpoints; and
- (c) measures to mitigate or manage adverse visual effects on the built or natural landscape.

**“Window Advertising”** means advertising which is temporarily or permanently painted on, attached to, or otherwise affixed to the window glass of a building.

## **2. OBJECTS OF BY-LAW**

- (1) The objects of this By-law are to regulate outdoor advertising and signage within the area of the Municipality in a manner that—

- (a) promotes the protection, conservation and sustainable management of the Municipality's environmental, cultural, heritage and aesthetic resources;
- (b) upholds the constitutional right to freedom of expression, including commercial expression, by providing for responsible advertising that balances economic development opportunities with the protection of the Municipality's visual, tourism, environmental and heritage character and the promotion of traffic safety;
- (c) ensures that advertising contributes positively to the urban and rural landscape and promotes the responsible use of the Municipality's natural, cultural and heritage environment;
- (d) promotes a safe, healthy and visually attractive environment for residents and visitors;
- (e) recognises and accommodates the technical and locational differences between various types of advertising, having regard to their potential impact on specific environments;
- (f) provides clear, fair and transparent procedures for the approval, control and enforcement of advertising; and
- (g) ensures that only advertising which complies with the provisions of this By-law, the Zoning Scheme and applicable legislation are permitted within the Municipality.

### **3. APPLICATION OF BY-LAW**

- (1) This By-law applies to all advertising—
  - (a) displayed, erected, fixed, projected, performed or exhibited on land, buildings, or any structure within the area of jurisdiction of the Stellenbosch Municipality;
  - (b) situated on public or private property, or within or above any public place or road reserve; and
  - (c) visible, whether directly or indirectly, from any public place or public road within the municipal area, including advertising or signs located outside the municipal boundary but visible from within it.

- (2) This By-law also applies to—
- (a) mobile, transit, aerial, electronic, digital or projected advertising or signs that are visible from a public place; and
  - (b) any advertising structure used or intended to be used for the display of advertising, irrespective of whether any advertising is currently displayed thereon.
- (3) This By-law must be read with the Stellenbosch Municipality Land Use Planning By-law, 2023, and the Stellenbosch Zoning Scheme By-law, 2024, including any adopted Overlay Zones or Outdoor Advertising Control Map, and applies in addition to, and not in substitution for, any requirement of those instruments.

Nothing in this By-law derogates from the powers of the Municipality or any other competent authority in terms of national or provincial legislation, including but not limited to the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), the National Heritage Resources Act, 1999 (Act 25 of 1999), and the National Environmental Management Act, 1998 (Act 107 of 1998).

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### **4. SUBMISSION OF APPLICATIONS**

- (1) Except for advertising exempted in terms of this By-law, no person may display, erect, alter, or use any advertising without the prior written approval of the Municipality granted in terms of this By-law and any other applicable legislation.
- (2) Any person intending to display a new advertising, alter or add to an existing approved advertising, or include advertising in any land development application must apply in writing to the Municipality for its written approval.
- (3) Any application submitted in terms of this section, is deemed to be a land development application for purposes of procedural administration and must be submitted in accordance with the procedures set out in Chapter IV of the Stellenbosch Municipality Land Use Planning By-law, 2023, and does not confer any additional development rights.
- (4) In addition to the above, every application must be accompanied by the following information, submitted in duplicate unless otherwise determined by the Municipality:
  - (a) A full written motivation that describes the proposed advertising and its proposed location, explains how the proposal complies with this By-law and any related planning or zoning provisions, shows that it will not negatively affect road safety, heritage, the environment, or the visual character of the area and provides reasons why the Municipality should approve the application;
  - (b) A certified copy of the title deeds of the property upon which the proposed advertising is proposed to be erected and/or displayed;
  - (c) A certified copy of the Surveyor General Diagram for the property upon which the proposed advertising is proposed to be erected and/or displayed;
  - (d) A Visual Impact Assessment;
  - (e) A site plan drawn to a scale of not less than 1:200 showing—
    - i. the property on which the proposed advertising is to be erected and/or displayed;
    - ii. the position of the advertising in relation to all buildings, boundaries, and abutting streets;

- iii. all existing buildings and other existing advertising on the property;  
and
  - iv. existing and proposed landscaping, traffic signals, and road traffic signs.
- (f) A detailed design drawing of sufficient detail to enable the Municipality to assess the design, appearance, dimensions, elevation profiles, materials, colours, construction, and method of illumination of the advertising and its advertising structure. Detailed design drawings must be to a scale of not less than 1:20;
- (g) The full technical details of the electronic system and illumination levels must be submitted, if the advertising is electronic;
- (h) Where the advertising is to be attached to a wall or façade, the Municipality may require an additional drawing to a scale of not less than 1:100 showing—
- i. a coloured elevation of the building;
  - ii. the position and details of the proposed advertising;
  - iii. the details and position of all existing advertising on the building;  
and
  - iv. The Municipality may require a colour print, artist's impression, or computer-generated image showing the advertising superimposed on the building to scale.
- (i) If the applicant is not the registered owner of the land or building on which the advertising is to be displayed, the written consent of the registered owner must accompany the application;
- (j) A signage master plan for any proposed application involving multiple advertising or the rationalisation of existing advertising to ensure a consistent and coordinated design prior to consideration of individual advertising;
- (k) Proof that any assessment or authorisation required by any other legislation has been obtained, or to demonstrate that the relevant competent authority has confirmed that no such assessment is required. Without limiting the generality of the foregoing, the Municipality may require—

- (i) confirmation from the competent environmental authority in terms of the National Environmental Management Act, 1998, regarding the need for or outcome of an Environmental Impact Assessment;
  - (ii) confirmation from Heritage Western Cape or other competent heritage authority in terms of sections 34 or 38 of the National Heritage Resources Act, 1999 (Act 25 of 1999), regarding the need for or outcome of a Heritage Impact Assessment, where the proposed advertising or sign is situated within or affecting any structure older than sixty (60) years, or is located within a declared heritage site, heritage protection overlay zone or conservation area;
  - (iii) confirmation from the relevant roads or transport authority regarding the need for or outcome of a Traffic Impact Assessment, as determined in accordance with section 10(2) of this By-law.
- (5) Where the Municipality considers that a proposed advertising may materially affect the amenity of an area or the rights or interests of the public or any person, it may, at the applicant's cost, require the applicant to give public notice of the application and to invite comments or objections within thirty (30) business days from the date of publication or display of the notice and incorporate the findings of such public participation, as part of its application submission.
- (6) The public notice contemplated in subsection (5) above, must include—
  - (a) the full name of the applicant and, where applicable, the capacity in which the applicant acts;
  - (b) the property description and location of the proposed advertising;
  - (c) a brief summary of the proposal and the type of advertising applied for;
  - (d) the name, address and contact details of the person with whom comments or objections must be lodged;
  - (e) the closing date for comments or objections, being thirty (30) days from the latest date of delivery, publication or display of the notice; and
  - (f) the place and hours during which the application may be inspected.
- (7) The Municipality may require one or more of the following methods of publication—

- (a) delivery or service of a notice on adjoining owners, affected persons and the ward councillor;
  - (b) display of a site notice of at least A3 size on all street frontages of the affected property in the form prescribed by the Municipality;
  - (c) publication of a notice once in two local newspapers circulating in the area, in the language of each newspaper, with the date of the last publication deemed to be the date of publication; and
  - (d) any additional means of notification required by the Municipality, which may include publication on the municipal website, community notice boards, or electronic media.
- (8) Within thirty (30) business days from the date of submission of the application or payment of the prescribed application fee, whichever is later, the Municipality must notify the applicant of any additional information or documentation required to determine the application.
- (9) The Municipality must retain a copy of every document submitted as part of an application and any decision made thereon.
- (10) The Municipality may require a written notice from the applicant or owner confirming that approved advertising has been erected and/or displayed in accordance with the approved plans and conditions attached to any approval granted pursuant to this By-law.

## **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 By-law must, on submission of the application, pay to the Municipality the prescribed application fee as determined by the Municipality in terms of section 75A of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).
- (2) No advertising may be erected, displayed or altered until the required approval has been granted and all prescribed fees have been paid in full.
- (3) In considering an application for approval, amendment, or the imposition of conditions in terms of this By-law, the Municipality must have due regard to the following factors—

- (a) Overlay Zones and Areas of control: The Overlay Zones as well as the Areas of Control in which the proposed advertising is to be erected and/or displayed, as set out in Schedule 1 of this By-law, provided that where advertising falls within or affects more than one area of control, or where a site in one area of control may impact on an adjacent area of control, the stricter (higher) control classification must apply;
- (b) Locality and cumulative impact: the characteristics of the surrounding locality, including the landscape context, existing and proposed advertising opportunities in that area, and the number, type and size of advertising already displayed or approved on the property and within its vicinity;
- (c) Technical Assessments: the findings and recommendations of any Traffic Impact Assessment and of any Environmental, Visual or Heritage Impact Assessment required in terms of this By-law or other legislation;
- (d) Public participation: any written comments, objections or representations received during the public participation process conducted in accordance with this By-law;
- (e) Locality-bound advertising: whether any proposed Locality-Bound advertising relates directly to the lawful land use of the property concerned, provided that no such advertising may be affixed to or placed on residential premises other than as permitted for home industries or lawful temporary uses; and
- (f) Public safety, design quality and amenity: that no advertising may be designed, constructed or displayed in a manner that—
  - (i) creates a hazard or danger to any person, property or public place;
  - (ii) displays material or graphics that contravene any law in South Africa;
  - (iii) is detrimental to the environmental quality, visual amenity or character of the neighbourhood by reason of its size, illumination, frequency of display, colour, design, materials or location;
  - (iv) obscures or interferes with any official road traffic sign, signal or other approved advertising; or
  - (v) adversely affects the natural, cultural or built environment.

- (4) Subject to compliance with this By-law and any other applicable legislation, all new advertising approved under this By-law, may remain lawfully displayed provided they remain structurally sound and comply with all safety and maintenance requirements of this By-law.

## **6. AREAS OF CONTROL AND RELATIONSHIP WITH OVERLAY ZONES**

- (1) For the purposes of regulating outdoor advertising, the Municipality recognises the following areas of control, namely-
  - (a) Maximum control;
  - (b) Partial control; and
  - (c) Minimum control.
- (2) The Municipality may, by resolution of Council, adopt an Outdoor Advertising Control Map classifying all or part of its area of jurisdiction into areas of maximum, partial or minimum control, after taking into account—
  - (a) the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone established under the Stellenbosch Land Use Planning By-law, 2023;
  - (b) the zoning of land in terms of the Municipality's zoning scheme;
  - (c) the Municipal Spatial Development Framework; and
  - (d) the environmental, visual and heritage sensitivity of the area.
- (3) For the purposes of this By-law, all land, buildings or properties situated within the Urban and Rural Conservation Overlay Zone or the Scenic Routes Overlay Zone as depicted in the Stellenbosch Zoning Scheme By-law, 2024, are deemed to be areas of maximum control, notwithstanding any lesser classification that may appear on a Control Map provided that where an amendment to an Overlay Zone is formally adopted through the Land Use Planning By-law process, such amendment shall automatically adjust the corresponding area of control under this By-law. In the event of conflict between a Control Map and an Overlay Zone, the Overlay Zone shall prevail.
- (4) The Municipality may, from time to time, review or amend the Outdoor Advertising Control Map following a process of public participation consistent with section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

- (5) Before adopting or amending a Control Map, the Municipality must—
  - (a) publish a notice in at least two local newspapers or one local and one community newspaper, stating—
    - (i) the purpose and effect of the proposed Control Map;
    - ii) where it may be inspected; and
    - iii) that written comments or objections may be submitted within not less than thirty (30) days of publication; and
  - (b) consider all comments and objections before adoption by Council.
- (6) The adoption, amendment or withdrawal of a Control Map must be approved by the Municipal Council and may not be delegated in terms of section 59 of the Municipal Systems Act.
- (7) Upon adoption, the Municipality must publish a notice in the Provincial Gazette and the local press—
  - (a) confirming the adoption and commencement date of the Control Map; and
  - (b) indicating where it may be inspected.
- (8) Nothing in this section prevents the Municipality from applying the provisions of this By-law without a Control Map, in which case the relevant Overlay Zones and the zoning scheme shall be used to determine the appropriate area of control.

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### **7. STANDARD CONDITIONS FOR APPROVAL**

- (1) All signs and advertising structures must be designed, erected and maintained so as to be structurally sound, safe, and constructed of materials of suitable strength and durability and comply with all laws within South Africa.
- (2) The Municipality may require that any application for the erection of a freestanding, elevated, or wind-exposed sign or advertising structure exceeding three square metres (3 m<sup>2</sup>) in total area, or any structure intended to support an electronic or internally illuminated sign, be accompanied by a certificate of structural adequacy issued by a registered professional structural engineer. Such certificate must confirm that the advertising structure—

- (a) has been designed, constructed, and erected in accordance with the all lawful and applicable standards for structural and wind loading;
  - (b) is capable of withstanding all wind and weather loads reasonably expected at its location; and
  - (c) is safe for its intended purpose and design life.
- (3) The owner and the holder of an approval are jointly and severally responsible for the proper maintenance, safety and appearance of every sign or advertising structure. They must—
  - (a) At least once every twelve (12) months, inspect or cause the sign and advertising structure to be inspected by a registered engineer, technologist, or other suitably qualified person to ensure structural soundness and safety; and
  - (b) retain a written record of such inspection, available for submission to the Municipality on request.
- (4) Where a sign or advertising structure becomes damaged, vandalised, torn, corroded, unsafe or dilapidated, the owner or approval holder must, within fourteen (14) business days of written notice by the Municipality, repair or remove the sign and advertising structure. The Municipality may require that a new certificate of structural adequacy be submitted following such repair.
- (5) All materials used in advertising, signs and advertising structures must be incombustible, weather-resistant and corrosion-resistant, appropriate to the function, size and intended lifespan of the sign.
- (6) Any glass incorporated into advertising, sign or advertising structures must comply with the applicable and lawful standards for safety glazing, and each glass panel must be securely fixed independently of adjacent panels.
- (7) No advertising, sign or advertising structure may obstruct or interfere with any window, door, stairway, escape route, ventilation opening, or fire-access provision, or otherwise compromise the safety or usability of a building or public place.

- (8) No advertising, sign or advertising structure may be located closer to overhead or underground electrical equipment than the minimum clearance distances prescribed in terms of the Occupational Health and Safety Act, 1993 and any other applicable laws. The Municipality may require written confirmation from the relevant service authority that the required clearance is achieved.

## **8. ELECTRICAL REQUIREMENTS**

- (1) Any advertising, sign or advertising structure requiring an electrical supply must—
- (a) be connected to the existing lawful and metered electrical installation on the property wherever reasonably practicable; and
  - (b) where a separate connection is required, be supplied through a metered and authorised point of supply approved by the relevant electricity supply authority in accordance with the Municipality's Electricity Supply By-law.
- (2) All electrical installations associated with advertising must—
- (a) comply with the provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), the Electrical Installation Regulations, 2009, and SANS 10142-1:2020 or any successor standard;
  - (b) be carried out and certified by a registered person as defined in Regulation 1 of the Electrical Installation Regulations, 2009; and
  - (c) be covered by a valid Certificate of Compliance issued in terms of regulation 9 of those Regulations, a copy of which must be submitted to the Municipality prior to energising the installation.
- (3) All wiring, conduits and power cables associated with advertising must be—
- (a) securely fixed, properly insulated, and protected from weather, corrosion, or mechanical damage;
  - (b) concealed from public view as far as practicable; and
  - (c) inaccessible to unauthorised persons and protected against accidental contact, vandalism, and interference by animals.

- (4) Any illuminated advertising that incorporates high-voltage or unattended electrical equipment, including window displays and external flood-lighting, must be fitted with an accessible and clearly labelled emergency isolator (fireman's switch) positioned and installed in accordance with SANS 10142-1:2020 and approved by the Municipality's Electrical Engineering Department.
- (5) All electrical equipment used for illumination of any advertising must be of an approved type, incorporating suitable power-factor correction or other measures necessary to prevent electromagnetic interference with radio, telecommunication, or television reception.

## **9. ILLUMINATION REQUIREMENTS**

- (1) The Municipality may approve illuminated advertising provided that the provisions of this By-law are complied with and that such illumination does not constitute a risk to road traffic safety or cause undue light spillage.
- (2) Advertising may not be illuminated if no advertising content is displayed.
- (3) Internally illuminated and electronic advertising must comply with the following requirements—
  - (a) they may be permitted only in areas of partial or minimum control, subject to the Municipality's consent in accordance with the relevant sign class;
  - (b) the size, height and positioning of such signs must comply with the applicable SAMOAC sign class and performance standards, taking account of the surrounding landscape and cumulative visual impact;
  - (c) illumination must be constant, static and not exceed luminance levels prescribed by the Municipality or the South African Bureau of Standards;
  - (d) no intermittent, flashing, scrolling or subliminal effects are permitted;
  - (e) Before granting approval, the Municipality may request a Traffic Impact Assessment where the scale, illumination, movement and/or location of the proposed advertising or sign meets any of the objective thresholds specified in section 10(2), or is otherwise likely to have a material effect on road safety. The Municipality must record its reasons in writing when requiring or waiving such studies and may not duplicate assessments that have already been undertaken in terms of other legislation; and

- (f) the Municipality may, where necessary, require post-installation monitoring to ensure that illumination and traffic-safety conditions remain acceptable.
- (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 sign; 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 such advertising or signs. This also applies for advertising or signs 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 By-law .

## **10. ROAD TRAFFIC SAFETY REQUIREMENTS**

- (1) Advertising or signs may not be erected and/or displayed in an area where they would pose a risk to road traffic safety.
- (2) A Traffic Impact Assessment (TIA) is required whenever advertising or any sign is proposed in circumstances that may, in the opinion of the Municipality, reasonably affect road safety or traffic operation, as determined by the following objective criteria derived from the South African Manual for Outdoor Advertising Control (2011) and the Road Traffic Management Corporation's Outdoor Advertising Safety Engineering Manual (2020):
  - (a) Electronic or internally illuminated advertising or signs visible from public roads with a posted speed limit exceeding sixty kilometres per hour (60 km/hr), or located within two hundred and fifty metres (250m) of a signalised intersection;
  - (b) Any billboard or freestanding advertising or signs exceeding nine square metres (9m<sup>2</sup>) in surface area or four comma five metres (4,5m) in height, visible from any public road;

- (c) Any advertising or sign located within eighty metres (80m) of a signalised intersection or within forty metres (40m) of any road traffic sign, measured parallel to the centre line of the nearest roadway;
  - (d) Any advertising or sign visible from a Class 1, 2 or 3 road, including national or provincial routes, as defined in SAMOAC;
  - (e) Any application proposing to reduce or exceed the illumination limits prescribed in section 9 or reduce or exceed the minimum spacing limits prescribed Table 1 in section 10 of this By-law; and
  - (f) Any advertising or sign located along a scenic route, gateway route, or in a visually complex environment identified in a Control Map or Overlay Zone, where background clutter or curves in road alignment may distract motorists.
- (3) A Traffic Impact Assessment must be prepared by a professionally registered traffic engineer and must assess, in accordance with SAMOAC and RTMC procedures—
  - (a) driver sight distance and decision zones;
  - (b) possible distraction and luminance effects;
  - (c) compliance with prescribed spacing and clearance standards; and
  - (d) any cumulative impacts of nearby advertising or signs.
- (4) A Traffic Impact Assessment is not required for—
  - (a) locality-bound advertising or signs smaller than four comma five square metres (4,5 m<sup>2</sup>) that are not illuminated;
  - (b) advertising or signs situated more than one hundred metres (100m) from any public road and not visible to the travelling public; or
- (5) Electronic or internally illuminated advertising or signs visible from Class 2 or Class 3 roads, Gateway Routes or Scenic Routes may only be approved if supported by a Traffic Impact Assessment and a Visual Impact Assessment demonstrating that the advertising or sign will not create a risk to road traffic-safety.
- (6) Electronic or illuminated advertising or signs are prohibited within Gateway Routes, Scenic Routes or areas of maximum control unless the Municipality, based on a Traffic Impact Assessment, determines that the advertising or sign will not create a risk to road traffic-safety.

- (7) Advertising on bridges, towers, telecommunication masts, pylons or street poles shall not be permitted, unless the Municipality, based on a Traffic Impact Assessment, determines that the advertising or sign will not create a risk to road traffic-safety.
- (8) The graphic content of any advertising or sign 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.
- (9) Advertising or signs 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.
- (10) Advertising or signs may not be erected within the road reserve of any public road unless expressly approved by the Municipality.
- (11) Static, non-illuminated advertising or signs may be permitted within eighty metres (80m), but no closer than fifty metres (50m), of a signalised traffic intersection, provided that—
  - (a) red, yellow, or green are not the predominant colours;
  - (b) the advertising or sign does not obscure or interfere with any traffic signal, road sign, or driver visibility; and
  - (c) the Municipality is satisfied, supported by a Traffic Impact Assessment prepared by a professionally registered traffic engineer, that no distraction or confusion to motorists will occur.
- (12) No internally illuminated or electronic advertising or signs shall be permitted within 80 metres (80m) of a signalised traffic intersection.
- (13) Electronic advertising or signs visible from a public road—
  - (a) shall not display flashing, running, intermittent, or animated content;
  - (b) shall not include transition effects such as fading, scrolling, dissolving, or any other form of movement between messages; and

- (c) shall display each complete static message for a minimum duration of—
  - i. six (6) seconds when visible from a signalised traffic intersection;  
and
  - ii. three (3) seconds at all other locations.
- (14) Electronic and internally illuminated advertising or signs shall not be permitted within heritage, scenic or other areas of maximum control, or along roads carrying high traffic volumes or complex traffic movements, particularly where their illumination or movement could distract motorists, especially at night.
- (15) All advertising or signs exceeding four comma five square metres (4,5 m<sup>2</sup>) in surface area and visible from a Class 2 or Class 3 road, including any advertising or sign erected adjacent to a public road or within a railway reserve, shall be spaced a minimum linear distance from any other lawful advertising or road traffic sign, measured parallel to the centre line of the roadway, as set out in Table 1 below:

**TABLE 1: LINEAR SPACING BETWEEN SIGNS**

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

- (16) The Municipality may reduce the spacing distances specified in Table 1 only where a Traffic Impact Assessment prepared by a registered traffic engineer demonstrates, to the Municipality's satisfaction, that the reduction will not compromise road-traffic safety.
- (17) The Municipality may, by public notice, identify minimum-control areas or corridors where these spacing standards do not apply, provided such exemption is supported by a Traffic Impact Assessment.

## 11. LEGAL REQUIREMENTS

All advertising or signs to be erected and/or displayed within the area of jurisdiction of the Municipality must, in addition to complying with this By-law, 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 By-law or any condition of approval or any departure from the Stellenbosch Municipality Zoning Scheme By-law adopted by the Municipality.

## 12. APPROVAL

- (1) When considering an application in terms of this By-law, the Municipality may—
  - (a) approve the application;
  - (b) approve it subject to lawful, reasonable, and relevant conditions necessary to ensure compliance with this By-law, the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), the Stellenbosch Land Use Planning By-law, 2023, and any other applicable law, including conditions relating to the design, erection, maintenance, safety, visual impact, or environmental compatibility of the advertising or sign; or
  - (c) refuse the application, stating in writing the reasons for such refusal.
- (2) The Municipality may require as a condition of approval that the owner of the sign, or the person on which such advertising or sign is erected, indemnify and hold the Municipality harmless against any claim, loss, damage, or injury arising directly from the erection, display, or structural failure of such advertising or sign, excluding loss or damage caused by the Municipality's own negligence or unlawful conduct.
- (3) The Municipality may, at any time, withdraw an approval granted in terms of this By-law or amend any condition or impose a further condition in respect of such approval, if advertising , a sign or advertising structure:
  - (a) is in the Municipality's opinion, in a state of disrepair and/or dilapidation;
  - (b) remains vacant or displays no advertising for a continuous period exceeding six (6) months, unless the owner has been granted an extension in writing by the Municipality, after demonstrating reasonable commercial or operational grounds for the temporary non-use;
  - (c) becomes redundant or obsolete in that it advertises a business, product, or event that has permanently ceased operation, and the advertising is not replaced or updated within sixty (60) days after becoming redundant;
  - (d) no longer complies with any provision of this By-law or any other law; or
  - (e) is substantially altered from the original approved application by way of either structure or graphic content.

- (4) In such circumstances described in section 12(3) above, the Municipality must, before taking enforcement action, issue a written notice to the owner calling upon them to remedy the situation within thirty (30) days, failing which approval may be withdrawn and removal required at the owner's cost.
- (5) Should approved advertising not be erected and/or displayed within twelve (12) months from the date of approval or within such other time as is specified in the approval decision/notice, such approval shall lapse, unless that period is extended in writing by the Municipality prior to such lapse having occurred.
- (6) In the event that the advertising structure is intentionally demolished before the expiry of the approval period, the approval shall lapse and no further advertising, sign or advertising structure may be erected or re-erected without the prior Municipality's approval in terms of this by-law.
- (7) The Municipality must decide any application submitted in terms of this By-law within sixty (60) calendar days from the date on which—
  - (a) it confirms receipt of a complete application; or
  - (b) where additional information has been requested, the date on which such information is received; or
  - (c) any oral hearing is held.
- (8) Every decision of the Municipality must be in writing and must—
  - (a) state the outcome of the application and the reasons for the decision; and
  - (b) be communicated in writing to the applicant and any interested or affected party within thirty (30) days after the decision has been made.
- (9) The written notification of the municipality's decision must also inform the applicant and any interested or affected party of their right to appeal the decision in terms of this By-law.

## CHAPTER 3: GENERAL PROVISIONS

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### 13. APPEAL

- (1) Any person whose rights are affected by a decision taken by the Municipality in terms of this By-law may appeal that decision in accordance with section 51 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) read together with Chapter VII (sections 79 to 81) of the Stellenbosch Land Use Planning By-law, 2023.
- (2) The appeal must be—
  - (a) lodged in writing with the Appeal Authority designated under the Stellenbosch Land Use Planning By-law;
  - (b) submitted within twenty-one (21) days from the date of notification of the decision; and
  - (c) accompanied by the grounds and reasons for the appeal.
- (3) The appeal must be processed and determined in accordance with the procedures and timeframes prescribed in the Stellenbosch Land Use Planning By-law, 2023.
- (4) The lodging of an appeal in terms of this section suspends the operation of the decision appealed against until the Appeal Authority has made a final determination, unless the Appeal Authority directs otherwise.

### 14. ADVERTISING FOR WHICH MUNICIPALITY'S APPROVAL NOT REQUIRED

- (1) Should advertising not comply with the conditions relative to each advertising type listed in this section, an application in terms of section 4 will be required.
- (2) Subject to compliance with the conditions relative to each advertising type provided for in this section and any other applicable legislation, or condition imposed by the Municipality, no application for approval is required in terms of this By-law in respect of the advertising provided for in this section.
- (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 advertising relates has ceased.
- (b) The Municipality may order the removal of any such development boards 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 development boards 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 3m<sup>2</sup> 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 5m<sup>2</sup> in total surface area;
- (e) If the development boards, whether on freestanding boards, or flexible building covering material, include any other form of third-party advertising, such development board must then comply with the provisions of Schedule 8 hereto and approval for the display thereof must first be obtained in terms of this By-law.

(4) To Let/For Sale Signs

To Let/For Sale Signs, must comply with the following conditions:

- (a) They may not exceed four hundred millimetres (400mm) x five hundred millimetres (500mm) or zero comma two square metres (0,2m<sup>2</sup>) in total surface area;

- (b) They must be erected and/or 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
- (c) They must be removed within two (2) weeks from date of issue of the occupation certificate or conclusion of a contract.

(5) On Premises Business Advertising

- (a) A single wall-mounted sign may be displayed for each lawful business, profession, trade, or industry conducted on the premises, provided that—
  - i. It is not illuminated;
  - ii. It does not project over any public road or road reserve;
  - iii. the total surface area does not exceed zero comma two square metres (0,2m<sup>2</sup>); and
  - iv. the content is limited to the following information only:
    - (aa) the name of the lawful occupant or business;
    - (bb) the nature or type of activity carried on;
    - (cc) the street address and telephone number of the premises;
    - and
    - (dd) the business hours of operation, if applicable.
  - v. No more than one such sign per lawful occupant may be displayed, unless specifically approved by the municipality on application.

(6) Window Advertising

- (a) These include Locality-Bound advertising which is 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 advertising which is displayed within two meters (2m) of any window or external opening through which it can be seen from the outside of such a building.
- (b) In an area of maximum control, window advertising may not—
  - i. exceed four square metres (4 m<sup>2</sup>) in total area; or

- ii. cover more than fifty percent (50%) of the total surface area of any single window pane or glazed panel,  
whichever is the smaller of the two areas.

(7) Advertising incorporated in the face of a building

- (a) Advertising that forms an integral architectural or structural part of a building, excluding any painted advertising sign affixed onto the surface of the building, provided that—
  - i. the advertising or sign does not exceed zero comma two square metres (0,2 m<sup>2</sup>) in total surface area;
  - ii. it is not internally illuminated or externally floodlit; and
  - iii. it is compatible with the design, scale, and materials of the building façade.

(8) Security Advertising

Security Advertising not projecting over any public road and not exceeding zero comma two square metres (0,2m<sup>2</sup>) 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 advertising may be displayed, on condition that—

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

(9) Sponsored, Community and Non-Profit Body Advertising: less than 4.5m<sup>2</sup>.

- (a) Advertising erected and/or displayed by, on behalf of, or in association with a non-profit organisation, community body, or public institution may be permitted, provided that—

- i. the total surface area does not exceed four and a half square metres (4,5 m<sup>2</sup>);
  - ii. any sponsor identification or third-party advertising occupies no more than five percent (5%) of the total surface area;
  - iii. it is not illuminated; and
  - iv. no more than one such sign is displayed per property or erf.
- (b) Where such an advertising or sign is to be erected and/or displayed on municipal land, it may only be erected and/or displayed in terms of a written agreement with the Municipality specifying the location, duration, maintenance obligations, and extent of community or public benefit.
- (c) All sponsored advertising or signs exceeding four and a half square metres (4,5 m<sup>2</sup>), or otherwise not complying with subsection (a), must be assessed and controlled in accordance with Schedules 16 and 17 of this By-law.
- (d) These provisions apply subject to the area-of-control classifications and any other applicable requirements of SAMOAC and this By-law.

(10) Advertising or signs on Vehicles

Advertising or signs painted or affixed directly onto the body of a motorised vehicle that is not used for the sole purpose of advertising, unless such advertising constitutes Transit Advertising.

**15. PROTECTION OF PROPERTY AND ENVIRONMENT**

- (1) No person may write, paint, affix, display, or otherwise exhibit any advertising, sign, symbol, letter, numeral, or mark that defaces, damages, harms, or disfigures—
- (a) any façade, wall, fence, building, structure, or roof;
  - (b) any road surface, road traffic sign, street furniture, pavement, kerb, or other municipal installation; or
  - (c) any tree, rock, or other natural or landscape feature.

- (2) No person may, whether during construction or at any other time, damage or alter the frontage of any property or structure in the course of displaying, erecting, or maintaining advertising or a sign, except as authorised by the Municipality.
- (3) No person may deface, obscure, or damage advertising or a sign lawfully displayed in terms of this By-law.

## **16. ENTRY AND INSPECTIONS**

- (1) The Municipality may, through an authorised official, enter upon any land or building at a reasonable time for the purpose of—
  - (a) carrying out any inspection necessary to administer or enforce this By-law; or
  - (b) verifying compliance with any condition of approval or notice issued in terms of this By-law.
- (2) Entry onto private property may not take place without-
  - (a) the consent of the owner or lawful occupier of the property in question; or
  - (b) an order of court.
- (3) If the owner or lawful occupier refuses entry, the Municipality may apply to a competent court for an order authorising the municipality or its authorised official to enter upon and inspect the land or building for the purposes of administering or enforcing this By-law, subject to any conditions set out in the order.
- (4) When conducting an inspection in terms of this section, the authorised official must produce written identification and a copy of the court order upon request.
- (5) Any inspection conducted in terms of this section must be carried out with due regard to the rights to privacy, property, and administrative justice guaranteed in the Constitution.

**17. ENFORCEMENT AND REMOVAL OF ADVERTISING**

- (1) The erection, display, or maintenance of advertising, a sign or advertising structure in contravention of this By-law constitutes an unlawful land use as contemplated in section 85 of the Stellenbosch Land Use Planning By-law, 2023, read with section 58 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).
- (2) Where the Municipality reasonably believes that advertising, a sign or advertising structure has been erected, displayed, or maintained in contravention of this By-law or where immediate action is reasonably necessary to prevent or mitigate an imminent and serious danger to any person or property, traffic safety, public safety, or the environment, it may issue a written compliance notice calling upon the owner or occupier of the land, or to the owner or operator of the advertising, the sign or advertising structure, to, within fourteen (14) days of that notice—
  - (a) remove, alter, or regularise the advertising, the sign and/or advertising structure;
  - (b) rehabilitate any affected land or structure to its previous condition; and
  - (c) cease the unlawful use within a period specified in the notice.
- (3) The Municipality may withdraw or amend a compliance notice by written notice at any time.
- (4) Where a person fails to comply with a compliance notice, the Municipality may institute enforcement proceedings in terms of section 86 of the Stellenbosch Land Use Planning By-law, 2023, or any other applicable law.
- (5) The imposition of any penalty or remedial action in terms of this section does not preclude the Municipality from exercising any other statutory, civil, or criminal remedy available to it.
- (6) The remedies provided in this Chapter are in addition to and not in substitution for any remedy provided by this By-law, the Stellenbosch Land Use Planning By-law, 2023, SPLUMA, or any other applicable legislation.

**18. SERVING OF NOTICES**

- (1) A notice, order or any other document issued by the Municipality in terms of this By-law is deemed to be duly issued if an authorised official of the Municipality, formally delegated, signed it.
- (2) Any notice or other document that is served on a person in terms of this By-law 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 sixteen (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/her/its nominated 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.

**19. LIAISON FORUMS IN THE COMMUNITY**

- (1) The Municipality may, by public notice or Council resolution, establish one or more liaison forums to facilitate structured participation in the implementation of this By-law, including its review, enforcement priorities and the management of outdoor advertising within the municipal area.
- (2) The purpose of such forums is to—
  - (a) promote transparent engagement between the Municipality, affected communities, the outdoor advertising industry, and other interested and affected parties;
  - (b) advance the conservation of the Municipality's visual, heritage, tourism and environmental assets; and
  - (c) promote local economic development through fair and responsible regulation of advertising activities.
- (3) Despite subsection (2), where an application made in terms of this By-law relates to land, buildings or areas—
  - (a) located within a heritage protection overlay zone, urban conservation area, or declared heritage site; or
  - (b) identified by Heritage Western Cape or the Municipality as containing graded heritage resources,the applicant must circulate the application to all registered heritage bodies recognised under section 25 of the National Heritage Resources Act, 1999 (Act 25 of 1999), for written comment within thirty (30) days of receipt thereof.
- (4) Comments received in terms of subsection (3) must be considered before a decision is made on the application, and the Municipality must record its reasons in writing where it departs from any recommendation of a registered heritage body.
- (5) Each liaison forum must, as far as reasonably practicable, include balanced representation from—
  - (a) Authorised officials designated by the Municipality;
  - (b) at least one councillor nominated by the relevant Council committee;
  - (c) representatives of the outdoor advertising and media industry, including out-of-home advertising operators;

- (d) representatives of business and tourism associations within the municipal area;
  - (e) community or residents' associations representing affected neighbourhoods; and
  - (f) heritage, environmental or cultural interest groups recognised by the Municipality.
- (6) The Municipality must invite nominations for forum membership by public notice and may appoint members for a defined term not exceeding three (3) years, which may be renewed.
- (7) A liaison forum—
- (a) functions in an advisory capacity only and has no decision-making powers;
  - (b) may, on its own initiative or at the Municipality's request, make recommendations or provide technical or community input on any matter arising from this By-law; and
  - (c) must keep written records of all meetings and submit them to the Director responsible for outdoor advertising for consideration.
- (8) The Municipality must consider, but is not bound by, any recommendations made by a forum established under this section, and must record its reasons in writing where it departs from such recommendations.

## **20. OFFENCES AND PENALTIES**

- (1) Any 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 By-law, commits an offence and shall upon conviction be liable to—
- (a) a fine imposed by a court of competent jurisdiction, or, in default of payment, to imprisonment for a period not exceeding six (6) months, or to both such fine and imprisonment;
  - (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 By-law; 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.

## **21. 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.

## **22. REPEAL OF BY-LAW**

- (1) The Stellenbosch Municipality Outdoor Advertising and Signage By-law (2023), together with any provisions in earlier by-laws of the Municipality or of any former municipality now incorporated within the jurisdiction of the Stellenbosch Municipality, that regulate or purport to regulate outdoor advertising or signage, are hereby repealed.
- (2) Despite subsection 22(1)—

- (a) any approval, consent, exemption, notice, directive or other administrative act lawfully issued in terms of a repealed by-law and still valid immediately before the commencement of this By-law remains in force as if issued in terms of this By-law, until amended, replaced or withdrawn by the Municipality in accordance with this By-law; and
  - (b) any application lawfully submitted in terms of a repealed by-law and not yet decided at the commencement of this By-law must be finalised in accordance with this By-law, unless the Municipality determines otherwise for good cause.
- (3) This repeal and saving clause is enacted in terms of sections 12(2) and 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), read with section 156(2) of the Constitution of the Republic of South Africa, 1996.

## **23. TRANSITIONAL ARRANGEMENTS**

- (1) All advertising, signs or advertising structures that existed before the commencement of this By-law and which were not authorised in terms of a municipal by-law or approval process, are not automatically deemed unlawful solely for the historical period prior to commencement, but must be registered and regularised with the Municipality in accordance with this By-law within twelve (12) months.
- (2) The owner of any property on which existing advertising or a sign is displayed must, within twelve (12) months of the commencement of this By-law—
  - (a) submit to the Municipality the particulars of the advertising, the sign or the advertising structure, including its location, size, construction and content; and
  - (b) apply for approval in terms of this By-law, supported by any technical information required under section 4.
- (3) On receipt of an application, the Municipality may—
  - (a) approve the continued display of the advertising, the sign and/or the advertising structure, subject to reasonable conditions to ensure compliance with this By-law; or

- (b) direct the modification or removal of the advertising, the sign or the advertising structure, after giving the owner written notice and a reasonable opportunity to make representations.
- (4) All advertising, signs or advertising structures that are structurally unsafe, pose a traffic or environmental hazard, or are situated within an area of maximum control, may be ordered to be removed in accordance with section 17.
- (5) If, after the expiry of the period referred to in subsection (2), advertising, a sign or an advertising structure remains unregularised and non-compliant in terms of this By-law, the Municipality may institute enforcement proceedings under section 17.
- (6) The Municipality may, on written request and for good cause shown, extend the period contemplated in subsection (2).
- (7) Nothing in this section affects the Municipality's power to withdraw or amend any approval granted in terms of this By-law.

## **24. SHORT TITLE AND COMMENCEMENT**

This By-law shall be known as the Stellenbosch Municipality Outdoor Advertising and Signage By-law, and comes into operation on the date of promulgation in the Provincial Gazette or as otherwise indicated in the publication notice.

## Draft Stellenbosch Municipality Outdoor Advertising By-law 2025

### SCHEDULE 1: AREAS OF CONTROL

| CONTROL CATEGORY             | TYPICAL ENVIRONMENTAL AND LAND-USE CONTEXT                                                                                                  | APPLICABLE ZONING OR OVERLAY REFERENCES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | PERMISSIBILITY AND INTENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>MAXIMUM CONTROL AREAS</b> | Environments of high environmental, scenic, heritage or cultural sensitivity where advertising should be severely restricted or prohibited. | <ul style="list-style-type: none"> <li>Urban and Rural Conservation Overlay Zone (Stellenbosch Zoning Scheme By-law 2024).</li> <li>Scenic Routes Overlay Zone (Stellenbosch Zoning Scheme By-law 2024).</li> <li>Open Space Zone 2 – Nature Reserve and Open Space Zone 3 – Private Open Space.</li> <li>Agricultural Zone 1 – Agriculture and Zone 2 – Rural Smallholding within scenic or conservation overlays.</li> <li>Heritage Protection Overlay and Urban Conservation Overlay precincts.</li> <li>Declared heritage sites or graded buildings under the National Heritage Resources Act 25 of 1999.</li> </ul> | <p>Advertising may be approved subject to:</p> <ul style="list-style-type: none"> <li>supported by a Traffic Impact Assessment if required in terms of Section 10(2), a Visual Impact Assessment, Environmental Impact Assessment and Heritage Impact Assessment or proof from the relevant authority that such assessments are not required;</li> <li>It is locality-bound, does not exceed 2 m<sup>2</sup> in total surface area, is non-illuminated, and is designed and constructed from durable materials compatible with the architectural character or natural setting of the site;</li> <li>It does not detract from the heritage, scenic or environmental character;</li> <li>Third-party, non-Locality-Bound and electronic advertising is prohibited.</li> </ul>                                                                                                                                                                                                                                                                                |
| <b>PARTIAL CONTROL AREAS</b> | Areas of moderate visual sensitivity where limited, context-responsive advertising may be permitted.                                        | <ul style="list-style-type: none"> <li>Mixed Use Zone 1 – Central Business District, Zone 2 – Activity Corridor, and Business Zone 1 – Local Business.</li> <li>Institutional Zone 1 – Education, Open Space Zone 1 – Public Open Space and Zone 3 – Private Open Space within the urban edge.</li> <li>Transport Zone 1 – Road Reserve and Transport Zone 2 – Rail Reserve (excluding heritage or scenic overlays).</li> <li>Neighborhood business streets adjoining maximum-control precincts.</li> </ul>                                                                                                              | <p>Advertising may be approved subject to:</p> <ul style="list-style-type: none"> <li>supported by a Traffic Impact Assessment if required in terms of Section 10(2), a Visual Impact Assessment, Environmental Impact Assessment and Heritage Impact Assessment or proof from the relevant authority that such assessments are not required;</li> <li>Compliance with the size, spacing and illumination limits provided for in this By-law;</li> <li>Design integration with building form and streetscape;</li> <li>Restriction of electronic or internally illuminated signs to a maximum of 2.1 m<sup>2</sup> per sign surface where located on or adjacent to streets with posted speeds of 60 km/h or less, unless otherwise authorised by the Municipality on the basis of a professional Traffic Impact Assessment and Visual Impact Assessment confirming that a larger sign will not create material safety or amenity impacts;</li> <li>Municipal discretion to impose stricter conditions where adjacent to maximum-control areas.</li> </ul> |
| <b>MINIMUM CONTROL AREAS</b> | Environments of low visual sensitivity where larger or third-party advertising may be considered, subject to safety and design control.     | <ul style="list-style-type: none"> <li>Industrial Zone 1 – General Industry and Industrial Zone 2 – Service Industry.</li> <li>Utility, Transport or Authority Use Zones used for infrastructure, public-service or municipal functions.</li> <li>Logistics precincts, transport interchanges, park-and-ride facilities and railway yards outside heritage or scenic overlays.</li> <li>Any area not designated as maximum or partial control through an Overlay Zone adopted under the Land Use Planning By-law 2023.</li> </ul>                                                                                        | <p>Advertising may be approved subject to:</p> <ul style="list-style-type: none"> <li>supported by a Traffic Impact Assessment if required in terms of Section 10(2), a Visual Impact Assessment, Environmental Impact Assessment and Heritage Impact Assessment or proof from the relevant authority that such assessments are not required;</li> <li>Compliance with structural, illumination and spacing standards in sections 7–10 and Schedule 2;</li> <li>Prohibition only where public-safety or traffic impacts are demonstrated.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

**Interpretation note:**

- (1) The control category, not the descriptive area type, determines the permissibility of advertising.
- (2) Where a site falls within, is directly adjacent to or abuts more than one control category, the stricter (higher) control level applies.
- (3) In the absence of an adopted Control Map, the Overlay Zones referred to in section 6(3) of this By-law are deemed to determine the applicable control category.
- (4) This Schedule must be read together with the Stellenbosch Zoning Scheme By-law 2024 and the Municipal Spatial Development Framework to confirm spatial extent.
- (5) Industrial or transport precincts containing graded heritage resources or forming part of a heritage protection overlay zone are deemed to be subject to at least partial control and may, where necessary to safeguard architectural or cultural significance, be managed as maximum control areas at the discretion of the Municipality in consultation with Heritage Western Cape.

## **SCHEDULE 2: BILLBOARDS**

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Subject to approval in terms of this By-law, the erection and/or display of a Billboard, whether custom-made or of standard design, is permitted only in areas of minimum control outside the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone referred to in section 6(8) of this By-law. Furthermore:

- (1) If a billboard is visible from a class 2 or class 3 road, the billboard may not be placed less than five meters (5m) from the boundary line of the property on which it is proposed to be erected and/or displayed, subject to compliance with Section 10(11) of this By-law;
- (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 and/or displayed, whether such encroachment is aerial or on ground level;
- (5) A Billboard must have a minimum clear height of two comma four metres (2,4m) and a structure which does not exceed a maximum height of seven and a half metres (7,5m) above natural ground level;
- (6) The maximum total surface area of a billboard must correspond to the posted speed of the nearest roadway as follows:
  - (a) on roads with a posted speed of less than or equal to sixty kilometres per hour ( $\leq 60$  km/hr), the advertising or sign surface may not exceed eighteen square metres ( $18 \text{ m}^2$ );
  - (b) on roads with a posted speed of sixty-one to eighty kilometres per hour (61–80 km/hr), the advertising or sign surface area may not exceed twenty-seven square metres ( $27 \text{ m}^2$ );
  - (c) on roads with a posted speed in excess of eighty kilometres per hour ( $> 80$  km/hr), the advertising or sign surface may not exceed thirty-six square metres ( $36 \text{ m}^2$ );

provided that—

- i. no billboard structure may exceed a total height of seven comma five metres (7,5 m) above natural ground level;
  - ii. V-shaped or back-to-back structures may contain two surfaces not exceeding the above limits respectively; and
  - iii. illumination, spacing and positioning must comply with section 10.
  - iv. A billboard must be displayed at an angle of not less than sixty degrees (60°) and not more than ninety degrees (90°) to the direction of oncoming traffic to ensure adequate legibility and to prevent driver distraction or glare, consistent with recognised road-safety engineering standards.
- (7) A Billboard must be spaced the minimum distance apart as specified in section 10 of this By-Law;
- (8) If erected and/or displayed 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;
- (9) Where a billboard is visible to vehicular traffic, the minimum height of any letter or numeral forming part of the principal advertising message must be not less than two hundred and eighty-five millimetres (285mm), measured vertically.
- (10) The Municipality may permit reduced character heights for billboards where:
- a. The Billboard is directed solely at pedestrians and is not visible to vehicular traffic; or
  - b. The Billboard is situated on public roads with design speeds of less than or equal to sixty kilometres per hour ( $\leq 60$  km/hr) provided a Traffic Impact Assessment demonstrates no adverse road traffic-safety risk.
- (11) The approval number as well as the name of the advertising company or owner of such billboard, must be displayed in a visible area on the billboard.
- (12) The Municipality may, in exceptional circumstances, approve a limited deviation from the dimensional, spacing or height requirements in this Schedule, provided that—

- (a) the applicant demonstrates, by means of a Traffic Impact Assessment meeting the criteria in section 10(2), and a Visual Impact Assessment and Structural Safety Report where applicable, that the proposed deviation will not compromise road-traffic safety, structural integrity or visual amenity;
- (b) the deviation is required owing to objective site-specific conditions, such as topography, existing built form, or service-infrastructure constraints, and not merely for commercial advantage;
- (c) the application and supporting documentation are made available for public comment where the deviation exceeds ten percent (10%) of a prescribed standard; and
- (d) the decision and reasons for approval are recorded in writing and form part of the permanent municipal register of outdoor-advertising approvals.

### **SCHEDULE 3: LOCALITY-BOUND FREESTANDING AND COMPOSITE ADVERTISING**

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Subject to approval in terms of this By-law and subsection 5 of this Schedule, the erection and/or display of on-premise (locality-bound) freestanding or composite advertisings is permitted in urban areas of partial and minimum control, and in maximum-control areas only where supported by a Traffic Impact Assessment, a Visual Impact Assessment and, where applicable, an Environmental Impact Assessment and a Heritage Impact Assessment, demonstrating no material adverse impact on visual amenity, environmental or cultural significance.

- (1) Locality-Bound Freestanding and Composite Advertising may be permitted only—
  - (a) where the business premises are set back fifteen metres (15m) or more from the road-reserve boundary, or such lesser distance as approved by the Municipality upon demonstration that compliance is impracticable and road traffic safety is not compromised;
  - (b) where it is not reasonably practicable to affix advertising to the building;
  - (c) where such advertising or sign is required to identify the lawful entrance to the premises; or
  - (d) where a single composite sign will reduce the proliferation of multiple smaller signs.
- (2) Freestanding or composite signs may not exceed four comma five metres (4,5 m) in height and four comma five square metres (4,5 m<sup>2</sup>) in total surface area, but the Municipality may permit an increase up to six metres (6m) in height and nine square metres (9 m<sup>2</sup>) in total surface area if supported by a Visual Impact Assessment, confirming that the deviation will not result in any material adverse visual impacts.
- (3) Service-station pylons must be locality-bound and limited to one per street frontage, not exceeding seven comma five metres (7,5m) in height or eight (8) panels of four comma five square metres (4,5 m<sup>2</sup>) per surface, and in maximum-control areas to four comma five metres (4,5 m) in height and seven square metres (7 m<sup>2</sup>) per surface.

- (4) Within conservation areas or single-residential zones, only the standard forms prescribed in Schedule 18 are permitted.

#### **SCHEDULE 4: ADVERTISING ATTACHED TO WALLS OF BUILDINGS: FLAT AND PROJECTING SIGNS**

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Subject to approval in terms of this By-law and subsection 5 of this Schedule, the erection and/or display of advertising attached to walls of buildings and flat and projecting signs is permitted in urban areas of partial and minimum control, and in maximum-control areas only where supported by a Visual Impact Assessment and, where applicable, an Environmental Impact Assessment and a Heritage Impact Assessment demonstrating no material adverse impact on the environment or visual amenity, architectural integrity, or heritage significance, and further subject to a Traffic Impact Assessment where required.

- (1) A flat or projecting sign-
  - (a) may not be erected within one (1) metre of the edge of a roadway or project over a public road or road reserve;
  - (b) may not project more than—
    - (i) One comma five metres (1,5m) in the case of a sign with a clear height exceeding seven comma five metres (7,5m); or
    - (ii) One metre (1 m) where the clear height is less than seven comma five metres (7,5m);
  - (c) may not project more than two hundred and fifty millimetres (250mm) over a footway unless its lowest edge has a minimum clear height of two comma four metres (2,4m);
  - (d) may not obstruct or interfere with any window, door, ventilation opening or other building feature necessary for access, lighting, or safety; and
  - (e) may not obscure any road traffic sign or signal.
- (2) The total surface area of a flat or projecting sign must not exceed five square metres (5 m<sup>2</sup>) and may not cover more than—
  - (a) Twenty percent (20%) of the façade to which it is affixed in an area of maximum control;
  - (b) Thirty percent (30%) in areas of partial or minimum control;

whichever is the lesser.

- (3) The Municipality may, upon written motivation, permit an increase in sign area up to a maximum of nine square metres (9 m<sup>2</sup>), provided that—
  - (a) a Traffic Impact Assessment and a Visual Impact Assessment, objectively demonstrate, to the satisfaction of the Municipality, that—
    - (i) the proposed increase will not reduce driver attention or reaction time below industry acceptable standards or otherwise cause a road traffic safety concern;
    - (ii) the proposed sign's luminance, legibility distance, and placement comply with the sight-distance, spacing and distraction parameters applicable to its road class; and
    - (iii) the visual exposure analysis indicates no material intrusion in an area classified as Maximum or Partial Control or into any area within the Overlay zones.
- (3) Signs displayed on blank or common boundary façades of non-residential buildings may be approved where—
  - (a) It forms an integral part of the façade design; and
  - (b) its scale, materials and illumination are compatible with the architectural character of the building and surrounding area.
- (4) Where a sign appears on a public façade—
  - (a) it must be so designed and positioned as to form an architectural component of the building; and
  - (b) any third-party advertising must be custom-designed for that façade and comply with subsection (2) above.
- (5) No flat or projecting sign may be attached to the walls or fences of residential buildings, except for small on-premise signs lawfully permitted under section 14(5) of this By-law (e.g. home enterprises or professional practices).
- (6) Every such sign must display, in a visible area, the Municipal approval reference number, together with the name of the advertising company or owner responsible for its maintenance.

## **SCHEDULE 5: SKY ADVERTISING**

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- (1) Subject to approval in terms of this By-Law, the erection and/or display of sky advertising whether custom made or of standard design, is permitted in areas of minimum control only.
- (2) In addition, sky advertising must:
  - (a) be limited to a maximum total surface area of four comma five square metres (4,5m<sup>2</sup>);
  - (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 sign 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 advertising along the top edge of the roof of cultural, historic or architecturally significant buildings will not be allowed.
- (4) The approval number as well as the name of the advertising company or owner of such advertising, must be displayed in a visible area on such advertising.

## **SCHEDULE 6: ROOF ADVERTISING**

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

- (1) The total surface area of any roof advertising 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, it may not exceed five hundred millimetres (500mm) in height and its total surface area may not exceed twenty five percent (25%) of the roof area to which it is affixed.
- (3) May not obstruct the view of or affect the amenity from any other building.
- (4) Must be securely and properly anchored to the building where it will be erected and/or displayed, 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) Must be constructed entirely from non-combustible materials approved by the Municipality and where illuminated, it cannot be positioned on the roof of any buildings unless both the advertising, the sign and the advertising structure as well as the entire roof construction are made of non-combustible materials as specified by the Municipality.
- (6) Must 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 advertising along the edge of a roof of a building, if such advertising 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 three comma six square metres (3,6m<sup>2</sup>) in total surface area, with a maximum height of five hundred millimetres (500mm).

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

## **SCHEDULE 7: ADVERTISING ON A VERANDA, BALCONY, CANOPY, SUPPORTING COLUMNS, PILLARS AND POSTS**

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Subject to approval in terms of this By-Law and subsection 11 below, the erection and/or display of advertising 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) May not be attached to Historical Buildings.
- (2) May not be allowed on or over architectural features of buildings.
- (3) May be affixed flat onto or painted on a parapet wall, balustrade or railing of a veranda or balcony, beam or fascia of a veranda or balcony.
- (4) May not exceed one metre (1m) in height or project above or below or beyond either end of the surface to which it is affixed, or project more than two hundred and fifty millimetres (250mm) in front of the surface to which it is affixed or project over a roadway or within zero comma six meters (0,6m) of the edge of the roadway.
- (5) May be affixed flat onto or painted on supporting columns, pillars and posts, and may project more than fifty millimetres (50mm) in front of the surface to which it is affixed but may not extend beyond any of the extremities of such column, pillar or post. If affixed flat onto non-rectangular advertising structures, the sign must be curved to fit the form of such structure.
- (6) Only one sign per column, pillar or post will be allowed.
- (7) Any advertising or sign suspended below the roof of a veranda, canopy or the floor of a balcony may not exceed one comma eight meters (1,8m) in length or six hundred millimetres (600mm) in height.
- (8) Any advertising or sign suspended below the roof of a veranda must be at right angles to the building line.
- (9) No advertising or sign suspended under a veranda or canopy may extend beyond the external edge of the canopy or veranda to which it is attached.
- (10) All suspended advertising or signs must have a clear height of at least two comma four meters (2,4m).

- (11) Such advertising or signs 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 advertising or sign 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 approval number as well as the name of the advertising company or owner of such advertising, must be displayed in a visible area on such advertising.

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

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Subject to approval in terms of this By-Law, the erection and/or display of advertising on boundary walls and fences is permitted only for Locality-Bound advertising 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 Locality-Bound advertising against a boundary wall only if the advertising or sign 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 fifty millimetres (50mm) from the surface of such wall.
- (2) In areas of minimum control, the Municipality may approve, subject to a Visual Impact Assessment—
  - (a) an application to affix Locality-Bound advertising flat onto a boundary wall only if it does not project more than fifty millimetres (50mm) from the surface of such wall; and
  - (b) an application to affix Locality-Bound flat advertising with a maximum size of zero comma five square metres (0,5m<sup>2</sup>) 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 such advertising or sign may not exceed a vertical dimension of three meters (3m) and total surface area of eighteen square metres (18m<sup>2</sup>) 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 advertising may not project more than one hundred millimetres (100mm) in front of the hoarding or fence to which it is affixed;
  - (c) Any such advertising may not be illuminated in areas of maximum and partial control; and
  - (d) Any such advertising will not be allowed on construction site hoardings and fences within the cone of vision of motorists at signalised traffic intersections.

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

## **SCHEDULE 9: HEADLINE POSTERS**

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Subject to approval in terms of this By-Law, the erection and/or display of headline posters is permitted in all areas of control except for areas within the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone . In addition:

- (1) Headline posters may not exceed zero comma nine metres (0,9m) x zero comma six metres (0,6m) in area.
- (2) The commercial content of the poster may not exceed twenty percent (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) Headline posters may be attached to Municipal electrical light poles only where approved by the Municipality for the express purposes of these posters.
- (4) Headline 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 two metres meters (2m).
- (7) The number of headline 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 fifty millimetres (50mm) in height;
  - (b) the “special event” posters may not be displayed more than fourteen (14) days before the date of the event and they must be removed within forty-eight (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) above 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**

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Subject to approval in terms of this By-Law, the erection and/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 for areas of maximum control or areas situated within the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone. Only to be displayed within or adjacent to property associated with such advertising. 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 five square metres (5m<sup>2</sup>) are prohibited, with individual flags not to exceed two square metres (2m<sup>2</sup>). Additionally, flagpoles must adhere to property zoning height restrictions, with a maximum allowable height of eight meters (8m) 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 thirty meters (30m) 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 advertising.

- (7) Only one (1) banner per premises will be permitted unless the Municipality's written permission is obtained for more than one.
- (8) A maximum of five (5) flagpoles bearing national flags may be erected and/or displayed 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.
- (1) The approval number as well as the name of the advertising company or owner of such advertising, must be displayed in a visible area on such advertising.

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

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Subject to approval in terms of this By-Law, the erection and/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 for areas within the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone. 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 fifty millimetres (50mm) in height.
- (3) Posters, banners tear-drop banners and flags may only be erected and/or displayed to advertise the event and the name or emblem of a sponsor may not cover more than twenty percent (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 and/or displayed without the approval of the Municipality given under the hand of an authorised official.
- (5) Posters, banners, tear-drop banners and flags may be displayed for a maximum period of fourteen (14) days prior to the event and must be removed within two (2) days from the date of the event or the last day thereof as applicable.
- (6) Posters with a maximum measurement of eighty centimetres (80 cm) x fifty centimetres (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 and/or displayed in residential areas or on bridges.

- (8) Political banners, posters or flags may be displayed only—
- i. during an election period, and in accordance with the Electoral Act, 1998 (Act 73 of 1998), any regulations or codes of conduct issued thereunder, and any written directives of the Electoral Commission;
  - ii. for a period not exceeding one (1) month before the date of an election, by-election, or referendum, and such banners, posters or flags must be removed within seven (7) days after that election or event;
  - iii. only in positions approved by the Municipality, and in compliance with all safety, spacing and illumination provisions of this By-law; and
  - iv. at the cost of the political party or candidate concerned, failing which the Municipality may remove them and recover its costs in accordance with section 17.
- (9) Only one poster or flag per organisation may be erected and/or displayed on every second streetlight pole.
- (10) Posters and flags must be erected and/or displayed at a uniform height of approximately two meters (2m) measured from natural ground level.
- (11) No posters, banners, tear-drop banners or flags may be affixed to trees, traffic signs, traffic signals, central ridges, existing advertising or any municipal buildings or over hydrant identification.
- (12) No posters, banners, tear-drop banners and flags may be displayed within thirty meters (30m) of any road traffic sign or traffic signal.
- (13) All materials used to affix the posters must be removed together with the posters.
- (14) The Municipality may order the removal of any indecent or torn posters, banners, tear-drop banners or flags, or any similar advertising which creates a road traffic safety concern in the opinion of the Municipality.
- (15) 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.
- (16) 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 twenty percent (20%) of the extent of the poster, banner, tear-drop banner or flag.

- (17) 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 fourteen (14) days, or such time as stipulated by the Municipality. No poster or flag may be displayed without such deposit having been paid.
- (18) 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.
- (19) 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.
- (20) Banners will be erected and/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.
- (21) The approval number as well as the name of the advertising company or owner of such advertising, must be displayed in a visible area on such advertising.

## **SCHEDULE 12: ESTATE AGENT ADVERTISING**

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Subject to approval in terms of this By-Law, the erection or display of estate agent advertising is permitted in all areas of control except for areas within the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone. Only estate agents registered and licenced with the Property Practitioners Regulatory Authority will be allowed to erect and/or display Estate Agent Advertising. Proof of registration must accompany the application. In addition, Estate Agent Advertising will be subject to the following conditions:

- (1) Estate Agencies must apply annually for permission to display advertising 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 advertising which contravenes this By-law will be levied. In the event of the above deposit being exhausted, permission to display such advertising may be withdrawn until a further deposit is paid to the Municipality.
- (3) Any Estate Agent advertising unlawfully erected and/or displayed, or in contravention of the provisions of this Schedule, will be subject to a charge by the Municipality; in the event of the said advertising not being removed, photographic evidence of the unlawful advertising may be obtained by the Municipality prior to levying the said charge.
- (4) "For sale", "Sold" and "To let" advertising signs shall be fixed flat to the surface of the boundary fence or wall of the property.
- (5) "Sold" advertising signs 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 Estate Agent Advertising may be erected and/or displayed in such a way that any part of it is closer than one comma five metres (1,5m) from a road verge.
- (7) No Estate Agent Advertising may be erected and/or displayed on a centre island of any public road.
- (8) No Estate Agent Advertising may obscure a road traffic signs or traffic signal.
- (9) No Estate Agent Advertising may be erected and/or displayed on any tarred area of pavements.

- (10) Estate Agent Advertising signs may not exceed zero comma three square metres (0,3m<sup>2</sup>) in total surface area.
- (11) “Show House” signs may be displayed only from 12h00 on Fridays to 20h00 on Sundays.
- (12) “Show House” signs 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) Estate Agent Advertising, may only contain the wording “On Show”, “Show House”, “Show Flat” or “Show Plot” with the Agency’s name, estate agents picture, contact details and a directional arrow.
- (14) Show house advertising may be displayed on stakes making use of a design approved by the Municipality. Estate Agent advertising may not be displayed on concrete, tarred or paved surfaces. It is not permissible for stakes to penetrate the ground deeper than fifteen centimetres (15cm).
- (15) Not more than six estate agents’ directional signs 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 sign will include the display of two advertising boards only when such boards are sandwiched back to back around an electric light pole.
- (16) Show houses advertising may not be displayed along Scenic Routes or on any bridge, public park or public open space.
- (17) Directional advertising may be displayed along main routes only, being the shortest route from a main road to the property.
- (18) Only one directional advertising sign 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 ADVERTISING**

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Subject to approval in terms of this By-Law, the erection and/or display of loose portable advertising is permitted in areas of minimum and partial control except for areas situated within the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone. In addition:

- (1) Loose portable advertising 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 advertising placed without permission in a road reserve, on Municipal property or in public open spaces. Owners can recover their advertising 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 advertising 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 advertising must be one comma two metres (1,2m) in height x zero comma six metres (0,6m) in 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 one comma eight metres (1,8m) must remain clear and two comma five metres (2,5m) 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 advertising . The said advertising must be removed outside normal trading hours and stored away from public view.
- (5) The Municipality may levy tariffs for displaying the loose portable advertising, 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 advertising within the road reserve or on municipal property.
- (7) Notwithstanding the above, the Municipality may cause the removal or impoundment of the advertising should the applicant contravene any of the above conditions.

## **SCHEDULE 14: AERIAL ADVERTISING**

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Subject to approval in terms of this By-Law, the erection and/or display of aerial advertising is permitted only in urban areas of minimum control except for areas situated within the Urban and Rural Conservation Overlay Zone and the Scenic Routes Overlay Zone. In addition:

- (1) No aerial advertising affixed to any building or structure may be flown at a height of more than forty-five meters (45m) from the surface measured from ground level;
- (2) Aerial advertising may not be flown above a public road;
- (3) Any written application for the display of an aerial advertising 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 advertising;
  - (b) all details regarding the content and dimensions of the aerial advertising 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 advertising will be anchored or tethered and details of electricity and telephone poles and cables and any other structures within thirty metres (30m) from the point of anchorage of the aerial advertising or the length of tether, whichever is the greater;
  - (e) the name and address of the person/s or contractor/s displaying the aerial advertising and the name and address of the approved competent person in attendance of the aerial advertising and its owner/s;
  - (f) the period and times of intended display of the aerial advertising;
  - (g) Where the applicant is not the owner of the property to which the aerial advertising 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 advertising;
- (4) The approval number as well as the name of the advertising company or owner of such advertising, must be displayed at the anchor or tethering point of the aerial advertising.

## **SCHEDULE 15: TRANSIT ADVERTISING**

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

- (1) The parking of a transit advertising 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 advertising 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 eighteen square metres (18m<sup>2</sup>).
- (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 advertising 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 advertising must be properly fixed to the ground at the parking location.
- (7) The approval number as well as the name of the advertising company or owner of such advertising, must be displayed in a visible area on the advertising or the advertising structure.

## **SCHEDULE 16: ADVERTISING ON MUNICIPAL LAND OR BUILDINGS**

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- (1) No advertising may be erected and/or displayed on municipal land or buildings without the written permission of the Municipality.
- (2) The following specific conditions and criteria will apply to advertising mentioned in items (a) to (c) below:
  - (a) Commercial advertising

Notwithstanding the area of control within which it is proposed to erect and/or display a commercial advertising on Municipal land or buildings, and subject to compliance with all other provisions of this By-Law, the Municipality may consider commercial advertising 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 and/or display of commercial advertising, 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 advertising 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 advertising in respect of a specific site;
  - (vii) Once accepted, any advertising to be erected and/or displayed 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 or display of the advertising.
- (b) Sponsored advertising
- Notwithstanding the area of control within which it is proposed to erect and/or display such advertising on Municipal owned land or buildings and subject to compliance with all other provisions of this By-Law, the Municipality may consider a sponsored advertising for approval on condition that:
- (i) For municipal buildings situated within areas of maximum control, all conditions applicable to maximum control areas apply;
  - (ii) written detail must be provided which clearly indicates the recognised community goals which will be promoted by the erection and/or display of the proposed advertising;
  - (iii) advertising with a political content will not be permitted;
  - (iv) no more than five percent (5%) of the total surface area of the advertising or sign is used for third party advertising;
  - (v) the maximum size of any such advertising or sign will be six metres (6m) x three metres (3m); provided in the event of a V-shaped sign where the size may not exceed two panels of six metres (6m) x three metres (3m).

- (vi) applications for billboards to be erected and/or displayed in terms of this section must comply with the requirements as set out in Schedule 2;
  - (vii) no advertising erected and/or displayed in terms of this clause be located within five meters (5m) of a property's boundary line.
- (c) Non-profit body advertising
- Notwithstanding the area of control within which it is proposed to erect and/or display advertising, and subject to compliance with all other provisions of this By-Law, the Municipality may consider the erection and/or display of advertising 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: ADVERTISING ERECTED BY OR FOR THE BENEFIT OF NON-PROFIT ORGANISATIONS**

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Notwithstanding the area of control within which it is proposed to erect and/or display advertising 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 advertising 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 and/or display of the advertising 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 advertising will be erected and/or displayed 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 and/or display of the advertising and the non-profit body must be entered into.

## **SCHEDULE 18: LOCALITY-BOUND STANDARD FREESTANDING AND COMPOSITE ADVERTISING IN CONSERVATION AREAS AND AREAS OF SINGLE-RESIDENTIAL ZONING**

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Subject to approval and in accordance with this By-law, the erection and/or display of on-premise (Locality-Bound) standard free-standing and composite advertising may be allowed in conservation areas and in areas of single-residential zoning, subject to the following conditions:

- (1) For the purposes of this Schedule, “*Conservation Area*” includes land designated under Chapters 25–26 of the Stellenbosch Zoning Scheme 2024;
- (2) Only one standard advertising sign, designed according to municipal requirements, is permitted per property.
- (3) A composite advertising sign of not more than two panels, each not exceeding one comma eight square metres (1,8 m<sup>2</sup>) in area, showing only the name of the business and its principal activity, may be permitted.
- (4) In the case of a business centre, more than one advertising sign per structure may be permitted, provided that the centre’s name and the names of the businesses in the centre are displayed in a coordinated format.
- (5) The advertising sign must—
  - (a) not be displayed within a road reserve; and
  - (b) where located on or adjacent to a structure older than sixty (60) years, or within a heritage overlay zone, be referred to Heritage Western Cape for comment.

## **SCHEDULE 19: STREET-POLE ADVERTISING**

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Subject to approval in terms of this By-law, the erection and/or display of street-pole advertising is permitted within urban areas of *partial* and *minimum control*, in accordance with the following provisions—

- (1) No street-pole advertising may exceed zero comma nine metres (0,9m) in height and zero comma six metres (0,6m) in width with a total surface area not exceeding zero comma fifty-four square metres (0,54 m<sup>2</sup>).
- (2) Each panel must be fixed securely and vertically, at a uniform height of approximately two comma one metres (2,1m) above natural ground level to the lower edge of the panel.
- (3) Only one street-pole advertising sign may be displayed per street-pole, and may not be double-stacked.
- (4) The Municipality must approve the design, material, and fixing method to ensure structural safety and aesthetic compatibility with the streetscape.
- (5) The content of each street-pole advertising sign may not display any content deemed offensive, misleading, or inconsistent with the objectives of this By-law or any other applicable law.
- (6) Street-pole advertising signs must be spaced at least thirty metres (30m) apart measured along the kerb line.
- (7) No street-pole advertising sign may be placed within thirty metres (30m) of a signalised intersection or twenty metres (20m) of a pedestrian crossing.
- (8) No street-pole advertising sign may obscure any road traffic sign, signal, or other approved advertising sign.
- (9) Street-pole advertising signs may be erected and/or displayed only under a written concession, licence or agreement concluded with the Municipality.
- (10) Each approval is valid for a maximum period of three (3) months per approval, renewable upon written application and payment of the prescribed fee.
- (11) The Municipality may, at any time and on reasonable written notice, require the removal or relocation of a street-pole advertising sign for operational, safety, or aesthetic reasons.

- (12) The owner of the street pole advertising sign as well as any contractor employed for the purposes of erecting and/or displaying same, are jointly responsible for the upkeep, cleanliness and safety of each street pole advertising sign.
- (13) Every street-pole advertising sign must display, in a visible area, the Municipal approval reference number and the name of the advertising company or owner.
- (14) No illuminated, electronic, or animated street-pole advertising signs are permitted.
- (15) No street-pole advertising sign may be affixed to traffic signal poles, trees, electrical distribution boxes, or any structure other than a designated municipal street-light pole.
- (16) Any unauthorised or non-compliant street-pole advertising sign may be removed by the Municipality without prior notice, and all associated removal and storage costs may be recovered from the person responsible for the display thereof.