

Lesedi, South Africa

Signs and Advertising Hoardings

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Lesedi South Africa

Signs and Advertising Hoardings By-law, 2018

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WHEREAS the community of Heidelberg has legitimate interests in ensuring:

1. that signs or advertisements do not constitute a danger or nuisance to members of the general public whether by way of obstruction, interference with traffic signals or with the visibility of such signals, light nuisance or otherwise;
2. that signage or advertising displayed in its living environment is aesthetically pleasing, appropriate and placed at appropriate sites with an uncluttered effect;
3. that its environment for tourism is characterised by a high standard of user friendly signage and advertising satisfactorily integrated into the environment;

AND WHEREAS individual businesses have legitimate interest in the proper advertising of their businesses, wares and products;

AND WHEREAS it is the duty of the Council of Heidelberg to balance the competing interests in a fair, equitable, flexible and responsible way;

NOW THEREFORE the following by-laws are adopted as the Signs and Advertising Hoardings: By-laws, for Heidelberg Transitional Local Council.

1. Definitions

In these By-laws, unless the context otherwise indicates:

"**advertisement**" means any representation of a word, name, letter, figure or object of an abbreviation of a word or name, or of any sign or symbol; or any light which is not intended solely for illumination or as a warning against any danger, which is visible from any street or public place;

"**advertising hoarding**" means a screen, fence, wall or other structure in a fixed position to be used, or intended to be used, for the purpose of posting, displaying or exhibiting any advertisement;

"**advertising structure**" means any physical structure built to display advertising;

"**aerial sign**" means any sign attached to a kite, balloon, or similar device whereby it is suspended in the air over any part of the area;

"**affix**" means to firmly secure which includes to paint onto and "affixed" shall have a corresponding meaning;

"**animation**" involves special treatment such as moving units, flashing lights, etc. and is used to gain added attention and awareness. Animation is more commonly used in rotating permanent or spectacular size sites;

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

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

"**backlight units**" (*backlit*) means advertising structures which house illumination in a box to throw light through translucent advertising printed on plastic or heavy duty paper for a higher visibility and extended night viewing;

"**billboard**" means a large free-standing structure used or intended to be used for the purpose of posting, displaying or exhibiting any advertisement;

"**building**" means any structure whatsoever with or without walls, having a roof or canopy and a normal means of ingress and egress thereunder, covering an area in excess of 4,6m² and having an internal height of more than 1,650m;

"**canopy**" means a structure in the nature of a roof projecting from the facade of a building and cantilevered from that building or anchored otherwise than by columns or posts;

"**charge determined by the Council**" means the appropriate charge set forth in a by-law made by the Council;

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

"**copy**" (*artwork*) means the complete advertising message to be displayed;

"**commercial advertising**" is any words, letters, logos, figures, symbols, pictures relating to the name of a business, a trade, a partnership or an individual or any information, recommendation or exhortation in respect of any particular goods manufactured or sold or any particular services rendered or offered;

"**composite sign**" means a sign linked to a standardised background of a specific size similar to a poster board on which logos or other tourist-related information can be attached;

"**Council**" means the Heidelberg Transitional Local Council and includes the Executive Committee of that Council or any officer employed by the Council, acting by virtue of an, power vested in the Council in connection with these by-laws and delegated to him/her;

"**cut-outs / embellishments / add-ons**" means letters, packages, figures or mechanical devices attached to the face of an outdoor sign which extend beyond the rectangular area for greater attention value. (*Can provide a three dimensional effect*);

"**depth of a sign**" means the vertical distance between the uppermost and lowest edges of the sign;

"**directional sign**" means a sign indicating the way to a place, undertaking or activity for the purpose of advertising or directing public attention as contemplated in the definition of "advertisement";

"**display of a sign**" shall include the erection of any structure if such structure is intended solely or primarily for the support of a sign;

"**display period**" means the exposure time during which the individual advertising message is on display;

"**election**" means either Parliamentary or Provincial or Metropolitan or Transitional Local Council elections and by-elections held from time to time;

"**erf**" means any piece of land registered in a deeds registry as an erf, lot, plot, stand or agricultural holding;

"**flashing sign**" means a sign in which a symbol, figure, message or illustration intermittently appears and/or disappears and/or illuminated with varying colour or intensity;

"**flat sign**" means any sign which is affixed to or painted directly on a main wall and which at no point projects more than 250mm in front of the surface of such wall;

"**flyposter**" means any poster which is pasted by means of an adhesive directly onto a surface;

"**ground sign**" means any sign detached from a building, other than an aerial sign, hoarding, billboard or advertising structure;

"illuminated" means the installation of electrical equipment on an outdoor structure for illumination of the copy message at night;

"illuminated sign" means a sign, the continuous or intermittent functioning of which depends upon it being illuminated;

"inflatable sign" means any hoarding erected and maintained by means of air or gas used for the purpose of posting or displaying any advertisement;

"main wall of a building" means any external wall of such building, but shall not include a parapet wall, balustrade or railing of a veranda or a balcony;

"movable temporary sign" means a sign not permanently fixed and not intended to remain fixed in one position, but does not include any moving part in a fixed permanent sign;

"non-profit body" is a body established to promote a social goal without the personal financial gain of any individual or profit making commercial organisation involved and that any individuals and bodies, who do not have a formal constitution, or whose objectives appear vague, or of limited social benefit be not permitted to display posters unless adequate proof to the satisfaction of the town engineer is supplied to validate their bona-fide non-profit and social orientated status;

"person" includes both natural and artificial persons;

"poster and notices" means any placard announcing or attracting public attention to any meeting, event, function, activity or undertaking or to the candidature of any person nominated for election to Parliament, the Provincial Local Government or similar body or to a referendum;

"projected sign" means any sign projected by a cinematograph or other apparatus, but does not include a sign projected onto the audience's side of a drive-in cinema screen during a performance;

"projecting sign" means a sign, whether stationary or actuated, attached to and protruding from the facade of a building;

"public place" means any road, street, thoroughfare, bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space vested in the Council;

"pylon sign" means any sign whether stationary or actuated, displayed on/or forming an integral part of a pylon or mast or similar structure other than a building or advertising hoarding;

"residential purposes" means the use of a building as a dwelling house, two or more dwelling units, a hostel, a boarding house and a residential club;

"road traffic" sign means any road traffic sign as defined in Section 1 of the Road Traffic Ordinance, 1966 (Ordinance 21 of 1966);

"rotating sign" means a sign which rotates about any axis;

"running light sign" means a sign or portion of a sign in the form of an illuminated strip, the illumination of which varies periodically in such a way as to convey the impression of a pattern of lights moving steadily along such strip;

"shelter displays" means posters positioned as an integral part of a free-standing covered structure;

"sign" means any advertisement and any object, structure or device which is in itself an advertisement, in or in view of any street, or which is used to display an advertisement;

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

"spectacular" (*an industry term*) means a giant, modern, illuminated advertising billboard;

"street" means any street, road or thoroughfare shown on the general plan of a township, agriculture holding or any other division of land or in respect of which the public have acquired a prescriptive or other right of way and which vests in the Council;

"**temporary advertisements**" means signs and advertisements which are usually displayed to publicise a forthcoming event or to advertise a short term use of the advertisement site;

"**temporary sign**" means a sign not permanently fixed and not intended to remain fixed in one position;

"**third-party advertising**" means any advertising displayed which is not appropriate to the type of activity on the erf or site to which it pertains;

"**transit advertising**" means all advertising on normally moving vehicles including taxis, busses, trailers, trams, vessels, etc.;

"**tri-vision**" means a display embellishment which, through use of a triangular louvre construction, permits the display of three different copy messages in a pre-determined sequence;

"**veranda**" means a structure in the nature of a roof attached to or projecting from the facade of a building and supported along its free edge by columns or posts;

"**window signs**" are signs which are permanently painted on, or attached to the window-glass of a building.

2. Applications for Council's approval for signs and advertising hoardings

- (1) No person shall display or erect any sign or advertising hoarding or use any sign or advertising hoarding or use any structure or device as a sign or advertising hoarding without first having obtained the written approval of the Council: Provided that the provisions of this section shall not apply to signs contemplated in Section 4.
- (2) No sign erected or copy displayed with the approval of the Council shall in any way be altered, moved, re-erected nor shall any alteration be made to the electrical wiring system of such sign except for the purposes of renovating or maintenance, without the further approval of the Council in terms of subsection (1).
- (3)
 - (a) An application accompanied by the required application fee (*as set out in Section 31*), in terms of subsection (1) shall be signed by the owner of the proposed sign or advertising hoarding and by the registered owner of the land or building on which the sign or advertising hoarding is to be erected or displayed, or on behalf of the owner of the land or building by his agent authorised in writing by such owner and shall be accompanied by:
 - (i) a block plan of the site on which the sign or advertising hoarding is to be erected or displayed, drawn to a scale of not less than 1:500 showing every building on the site and the position with dimensions of the sign or advertising hoarding in relation to the boundaries of the site and the location of the streets abutting the site;
 - (ii) a drawing sufficient to enable the Council to consider the copy and the appearance of the sign or advertising hoarding and all relevant construction detail;
 - (iii) a drawing showing the sign or advertising hoarding in relation to the area in which it will be erected.
 - (b) Every such plan and drawing shall be clearly reproduced on transparent polyester and paper or other approved material in sheet form not less than A4 size (*210mm x 297mm*); and
 - (c) A drawing required in terms of paragraph (a)(ii) shall have submitted detailed drawings of such sign to a scale of not less than 1:20 and a block plan indicating the position of the sign on the site, to a scale of not less than 1:500.
- (4) If a sign is to be attached to or displayed on the facade of a building, the Council may require the submission of an additional drawing showing an elevation of the building in colour, the details and position of the proposed sign and the details and the position of every existing sign on the building drawn to a scale of not less than 1:100, or the Council may require a coloured print of or an artist's photographic or computer generated impression of the building with the details of the proposed

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

- (5) The Council may require the submission of additional drawings, calculations and other information and a certificate by a person defined in section 1 of the Engineering Profession of South Africa 1990 (*Act No. 114 of 1990*) as a certified engineer, engineering technician, professional engineer or professional technologist (*engineering*), in each case giving details to the Council's satisfaction, to enable it to establish the adequacy of the proposed means of securing, fixing or supporting any sign, advertising hoarding or screen referred to in Section 13, to resist all loads and forces to which the sign, advertising hoarding or screen may be exposed and the sufficiency of the margin of safety against failure, in compliance with the provisions of Regulation B1 of the National Building Regulations published under Government Gazette No 9613, dated 1 March 1985.
- (6) In considering an application in terms of subsection (3), the Council may, in addition to any other relevant factors, have due regard to the following:
 - (a) That no sign or advertising hoarding should be so designed or displayed that:
 - (i) it will be detrimental to the environment or to the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or materials or for any other reason;
 - (ii) it will constitute a danger to any person or property;
 - (iii) it will display any material which in the opinion of the Council is indecent, suggestive of indecency, prejudicial to public morals or objectionable;
 - (iv) it will obliterate any other signs;
 - (v) it will in the opinion of the Council be unsightly or detrimentally impact upon a sound architectural design;
 - (vi) it will in any way impair the visibility of any road traffic sign or affect the safety of motorists or pedestrians;
 - (b) the size and location of a proposed sign or advertising hoarding and its alignment in relation to any existing sign or advertising hoarding or the same building or erf and its compatibility with the visual character of the area surrounding it;
 - (c) it will display any material which in the opinion of the Council is indecent, suggestive of indecency, prejudicial to public morals or objectionable;
 - (d) the number of signs displayed or to be displayed on the erf concerned and its legibility in the circumstances in which it is seen;
 - (e) the sign if not appropriate to the type of activity on/or zoning of the erf or site to which it pertains should be considered on its merits in terms of the control measures of the outdoor advertising signage policy for the Heidelberg Town Council.
- (7) The Council may refuse any application submitted in terms of subsection (1) or grant its approval subject to any condition which it may deem expedient, including a condition that the owner of any sign or advertising hoarding or the owner of the land or building on which such sign or advertising hoarding is to be erected and displayed, or both such owners, indemnify the Council to its satisfaction against any consequences flowing from the erection, display or mere presence of such sign or advertising hoarding.
- (8) Every application, plan, drawing and other document submitted in terms of this section shall on approval be retained by the Council for its records.
- (9) Any sign or advertising hoarding for which approval has been granted in terms of subsection (7), shall be erected and displayed in accordance with any plan, drawing or other document approved by the Council and any condition imposed in terms of that subsection, the Council shall be notified once any approved sign or advertising hoarding has been erected.

- (10) Notwithstanding anything contained in these By-laws, any sign or advertising hoarding which complies to the Council's satisfaction with the considerations referred to in subsection (6)(a), may be approved by the Council.
- (11) Notwithstanding anything contained in these By-laws, these By-laws are to be applied to the Land Use Zones as set out in the enforceable Town Planning Scheme for the area of jurisdiction of the Heidelberg Town Council.
- (12) Signs and advertising hoardings approved in terms of Section 2(1) will conform to the design requirements set out in Section 41.

3. Withdrawal or amendment of Council's approval

- (1) The Council may, at any time, withdraw an approval granted in terms of Section 2(7) or amend any condition or impose a further condition in respect of such approval, if a sign or advertising hoarding is in a state of disrepair or does not comply with these By-laws.
- (2) The Council may, at any time after approval has been granted in terms of Section 2(7), on three months written notice being given, withdraw such approval or amend any condition, or impose a further condition in respect of such approval, if it is of the opinion that the sign or advertising hoarding concerned has become detrimental to the amenity of the neighbourhood.
- (3) Should an approved sign or hoarding not be erected within 12 months from approval or within a time specified in the approval granted, the Council may withdraw the approval without further notice.

4. Exempt signs

- (1) The following signs shall be exempt from the provisions of Section 2 but shall comply with all other provisions of these By-laws save for signs contemplated in (a) and (b) which need not so comply:
 - (a) any sign displayed in an arcade;
 - (b) any sign displayed inside a building;
 - (c) any sign displayed on an approved advertising hoarding;
 - (d) any sign advertising a current event in cinema, theatre or other place of public entertainment, displayed in a fixture on building especially made for such display;
 - (e) any sign not exceeding the sizes specified hereunder, which is displayed on a site where a building, swimming pool, tennis court, paving, fencing or garden landscaping or any other structure is in the course of being constructed, erected, carried out or altered and which describes the building or structure being erected or other work or activity being carried out and which displays the names of the contractors or consultants concerned in such work or activity and identifies the branches of the industry or the professions represented by them, during the course of such construction, erection, carrying out of alterations as the case may be: Provided that only one such sign, or set of signs shall be permitted per street frontage of a site; and which is placed on or affixed to the building concerned or attached parallel on the boundary fence of the erf on which the building is situated. Such signs are to be removed within 21 days of the completion of the contract, signage for ongoing maintenance contracts is not permitted.
 - (i) Project boards, 6m² and with a maximum erected height of 6m, giving the names of Architects, Consultants and Contractors;
 - (ii) Individual Contractors and Sub-Contractor's board: 2m².
 - (f) any sign, other than a sign provided for in paragraph (e), not exceeding 12m² and not exceeding a maximum erected height of 6m, which portrays or describes the type of development being carried out on a site and which gives details of the type of

- accommodation being provided, floor space available, the name, address and telephone number of the developer or his agent, erected during construction work or the carrying out of alterations or additions as the case may be and remaining for a period not exceeding 2 months after the completion of such work;
- (g) a sign on a street frontage of a building occupied by shops, showrooms or other business uses as defined in the relevant Town Planning Scheme, other than a sign in an office park area, which is below the level of the ground floor ceiling and which is displayed on or fixed to the face of a building or suspended from the soffit of a canopy or verandah roof;
 - (h) a sign consisting of a 600mm x 450mm metal plate or board permitted in terms of Section 16;
 - (i) any flag hoisted on a suitable flag pole which displays only a company name and motif a maximum of 5 flag poles of 7m in height is permitted unless specific permission has been applied for as contemplated in terms of Section 2 for more than 5 flag poles;
 - (j) any sign in a locality wholly or mainly used for residential purposes, other than a brass plate or board not exceeding 600mm x 450mm in size, affixed indicating the name, address and telephone number of a security company contracted to protect the property, provided that only one sign per stand or subdivision shall be permitted and such sign shall be firmly affixed to the boundary wall, fence or gates on the street frontage;
 - (k) one sign not exceeding 300mm long and 300mm high on each street boundary, at a minimum of 15m apart, of an erf or portion of an erf which sign indicates the existence of a commercial security service, burglar alarm system or Block or Neighbourhood Watch system;
 - (l) a sign not exceeding 2m², indicating the existence of a Block or Neighbourhood Watch System, displayed on a boundary wall or fence or in a position approved by the Council; if erected on its own pole(s) the minimum underside clearance of the sign above the pavement must be 2,1m.
- (2) The owner of the building or property on which a sign contemplated in subsection (1)(g) is displayed, shall indemnify the Council against any consequences flowing from the erection, display or mere presence of the sign.
 - (3) Any sign which does not comply with the provisions of these By-laws and which was lawfully displayed on the day immediately preceding the date of commencement of these By-laws shall be exempted from the requirements of these By-laws if the sign in the opinion of the Council is properly maintained and is not altered, moved or re-erected as contemplated in Section 2(2).
 - (4) Road traffic signs erected in terms of any Act of Parliament, Provincial Ordinance or By-law are exempt from the provisions of these By-laws.
 - (5) Any sign erected as a specific requirement in terms of any By-law, Provincial Ordinance or Act or Parliament is exempt from these By-laws.
 - (6) Any transit sign which is mobile and complies with all requirements of the Traffic Ordinance.

5. Prohibited signs

No person shall erect or cause or permit to be erected or maintained any of the following signs:

- (1) Any sign painted on the roof of a building or painted on, attached to, or fixed between the columns or posts of a veranda;
- (2)
 - (a) any sign which projects above or below any fascia, bearer, beam or balustrade of a street veranda or balcony;
 - (b) any luminous or illuminated sign which is fixed to any fascia, bearer, beam or balustrade of any splayed or rounded corner of a street veranda or balcony;
- (3) Any sign suspended across a street unless otherwise approved by Council;

- (4) Any sign on calico, paper mache, plastic, woven or similar material or of any kind whatever, except those provided for in terms of Section 22 or unless consisting a flexface within an approved advertising sign;
- (5) Any swinging sign, which is a sign not rigidly and permanently fixed;
- (6) Any sign which may either obscure a road traffic sign, be mistaken for with or interfere with the functioning of a road traffic sign;
- (7) Any sign which may obscure traffic by restricting motorists' vision and lines of sight thus endangering motorists' safety;
- (8) Any sign which is indecent or suggestive of indecency, prejudicial to public morals or is reasonably objectionable;
- (9) Any sign which will obstruct any window or opening provided for the ventilation of a building or which obstructs any stairway or doorway or other means of exit from a building or which will prevent the movement of persons from one part of a roof to another part thereof;
- (10) Any animated or flashing sign the frequency of the animations or flashes or other intermittent alternations of which disturbs the residents or occupants of any building or is a source of nuisance to the public or impairs road traffic safety;
- (11) Any illuminated sign, the level of illumination of which unreasonably disturbs the residents or occupants of any building or is a source of nuisance to the public;
- (12) Any movable temporary or permanent sign other than those specifically provided for in these By-laws;
- (13) Any sign referring to a price or change in price of merchandise except in a shop window, or on the article itself;
- (14) Any advertisement or sign other than an exempted sign, for which neither a permit nor approval has been obtained;
- (15) Any poster otherwise than on a hoarding legally erected for the purpose of accommodating such poster;
- (16) Any sign or signs, the total area of which exceeds 30 m², painted or fixed on a wall of a building not being a front wall of such building;
- (17) Any sign painted on any fence or boundary wall, not being a licensed hoarding;
- (18) Any sign which does not comply with the requirements of or which is not permitted by these By-laws;
- (19) Any sign which may obstruct pedestrian or vehicular traffic;
- (20) Any form of flyposting on private or Council property or assets;
- (21) Any form or type of sign not specifically permitted by these By-laws;
- (22) Any transit advertising sign that is stationary other than at a traffic sign irrespective of whether it is attached to a vehicle or not;
- (23) Any poster or sign attached to a tree;
- (24) Any poster attached or pasted to a bridge;
- (25) Any temporary sign for commercial or third-party advertising erected on Council land or land vested in the Council: Unless by prior signed encroachment agreement or contract with the Council;
- (26) Any sign attached to a bridge or any other Council asset: Unless by prior signed agreement or contract with the Council;

- (27) Any tobacco or alcohol related advertising on Council land or land vested in or controlled by the Council.

6. Fixing of signs and hoardings

- (1) All signs and hoardings shall be property constructed of the requisite strength and shall, be securely fixed to the satisfaction of the Council.
- (2) The person by whom such signs and hoardings are erected and the owner of the fixture on which or to which they are attached shall assume all liability and responsibility in connection therewith, including maintenance, and shall undertake at least one annual inspection thereof with a view to satisfying themselves as to the safety thereof.
- (3) Every sign and hoarding shall be repainted and cleaned regularly in order to prevent them from becoming unsightly.
- (4) The Council may require certification by a person as defined in Section 2(5) that the installation is structurally safe.

7. Advertising signs and hoardings to be licensed

- (1) No person shall, except upon a hoarding duly licensed in terms of these By-laws, advertise or place or exhibit or display or cause to be advertised, placed exhibited or displayed any advertising sign, whether or not the consent of the Town Engineer has been obtained in terms of Section 2, unless he is the holder of a current license issued by the Council in respect of such advertising sign: Provided that no such license shall be required by any person who advertises his business by means of an approved advertising sign, other than a sky sign, on any premises or, where only part of the premises are used for the applicant's business, upon such portion of such premises in which his business is actually conducted.
- (2) No person shall advertise, place, exhibit or display or cause to be advertised, placed, exhibited or displayed, any advertisement or advertising device of any kind upon any hoarding unless such person has obtained approval of the Town Engineer.
- (3) The Council may refuse to permit the erection of hoardings for bill posting or other purposes in localities where it deems them likely to be prejudicial to the surrounding neighbourhood or to be a disfigurement to a residential, commercial or industrial area, or any street.
- (4) Where any alteration is made to the structure, electrical or copy of an advertising sign, then notwithstanding that when it was first displayed the consent of the Council was obtained in respect thereof in terms of Section 2 and the prescribed fee was paid, a further such consent shall be obtained and a further fee be paid before any alteration is made.
- (5) Any sign which was not lawfully displayed on the day immediately preceding the date of commencement of these By-laws.

8. Signs suspended under verandahs or canopies

Every sign which is suspended from a veranda or a canopy shall comply with the following requirements:

- (1) Unless the Council otherwise permits, having regard to the design of the veranda or canopy and its associated building and to the position of the building in relation to the street boundary of the erf, the sign shall be fixed with its faces at right angles to such boundary.
- (2) No part of the sign shall project beyond the outer edge of the veranda or canopy from which it is suspended.
- (3) No part of the sign shall be less than 2,4m above the surface of the sidewalk or ground level immediately below it, nor should the top of the sign be more than 1m below the canopy or veranda from which it is suspended nor shall any sign exceed 1m in depth.

- (4) Unless the Council in writing otherwise permits, the bottom edge of the sign when suspended shall be horizontal and the supports by means of which the sign is suspended, shall be an integral part of the design of the sign.

9. Signs on verandahs and canopies over street

- (1) Save as hereinbefore provided with regard to hanging signs, every sign affixed to or onto a veranda over a street shall be set parallel to the building line.
- (2) Such signs shall not exceed 600mm in depth and shall be fixed immediately above the eaves of the veranda roof in such manner as not to project beyond the rear of the roof gutter or shall be fixed against but not above or below the veranda parapet or balustrade in such manner as not, to project more than 230mm from the outside face of such parapet or balustrade: Provided that
 - (a) a sign on a public building fixed to or on a veranda over a street and which displays only the features or programme of an entertainment to be given in such public building shall:
 - (i) have a maximum area of 1m in the aggregate for every 1,5m or part thereof of the frontage of such building to the street over which the sign is erected;
 - (ii) not exceed 1,2m height;
 - (b) nothing in this Section contained shall be taken to prohibit the painting of signs not exceed 600mm in depth on beams over veranda columns, or on parapets of verandas;
 - (c) no illuminated sign or sign designed to reflect light, shall be attached to or displayed on any splayed or rounded corner of a veranda or canopy at a street intersection.

10. Projecting signs

- (1) All projecting signs shall be set at right angles to the building line and shall be fixed at a height of not less than 2,75m above the pavement.
- (2) Save as is provided in subsection (3), no projecting signs shall exceed 600mm in height, nor project more than 900mm from the building to which they are attached.
- (3) Notwithstanding the provisions of subsection (2), larger projecting signs may be erected: Provided:
 - (a) the owner of the building or the person for whom the sign is being erected shall make application for and assume at responsibility in connection with such sign, including maintenance, an annual inspection to satisfy himself regarding its safety and liability for all loss or damage caused to any person or property by reason of or in any way arising out of the erection, maintenance or existence of such sign;
 - (b) the design thereof shall be to the satisfaction of the Council and it shall comply in all respects with these By-laws;
 - (c) such sign shall be fixed at right angles to the street and the front of the building upon which it is erected;
 - (d) such sign shall be constructed of metal framing and covered with metal sheeting and shall not exceed 300mm in depth from face to face;
 - (e) such sign shall not exceed a mass of 450kg or 675kg in the case of a sign consisting only of the name of a central public entertainment building;
 - (f) such sign shall not exceed 9m in height or 1,5m total projection from the building, or in the case of a sign consisting only of the name of a central public entertainment building, 14m in height and 1,8m in total projection from the building: Provided that this paragraph shall not apply to any sign which has been erected prior to the date of the publication hereof;

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

11. Pylon signs

- (1) For the purposes of this section the word "pylon" includes any pylon, mast, tower or similar structure to which a sign is attached, by which sign is supported on which a sign is displayed or which is constructed as a sign.
- (2) Every pylon shall be independently supported and for that purpose be properly secured to an adequate foundation in the ground and be entirely self supporting without the aid of guys, stays, brackets or other restraining devices.
- (3) The dimensions of a pylon and its associated pylon sign shall be such that the entire assembly, whether stationary or actuated, can be contained wholly within a notional vertical cylindrical figure having a diameter of 9m and a height of 12m or such dimensions as the Council may require.
- (4) No activated or protruding part of a pylon or of a pylon sign shall be less than 2,4m above the highest point of the existing ground level immediately below such pylon or sign or such other height as the Council may require.
- (5) No pylon shall carry signs in the aggregate exceeding an area of 30 m².
- (6) The Council may consider on merit a request by the owner of a property which adjoins Council road reserve to erect a pylon solely for the display of the name of the business/es conducted at that particular property. An encroachment agreement shall be signed with the Council setting out the period and fee payable. The Council shall be indemnified against any claims.

12. Signs indicating the development of a township or property

- (1) No sign referring to the laying out or development of any land as a township or to the disposal of any erven in a township or a property development shall exceed 15 m², with a maximum erected height of 6m.
- (2) Any approval granted in respect of such a sign in terms of Section 2, shall lapse after the expiry of one year after the date of such approval, unless an extension has been granted by the Council.
- (3) The sign must be located on the site of the proposed township or property development.
- (4) The Council may approve a larger sign or hoarding for a particular development after taking into consideration the size of the development which must be 5ha or larger on condition that approval shall lapse after the expiry of one year after the date of such approval.
- (5) All signs must be removed within three months of a development being completed or occupied.

13. Signs flat on buildings

- (1) The total area of any sign placed flat on the front wall of a building facing a street shall not exceed 20m² for every 15m of building frontage to the street which such sign faces with a maximum area of 200m².

- (2) The maximum projection of a sign referred to in subsection (1) over the footway or groundlevel shall be 75mm where such sign is less than above the sidewalk or ground level immediately below such sign and 230mm where such sign is more than 2m above such footway or ground level.
- (3) Signs placed flat on a wall of a building not being a wall contemplated in subsection (1), shall not exceed 20 m² in total area, unless located in a commercial or industrial zone.
- (4) Notwithstanding the provisions of subsection (1) and (3), the Council may where it considers it desirable in the interests of the aesthetic appearance of the building on which the sign is placed or of the neighbourhood of such building, permit or require the dimensions of any such sign to be greater than those prescribed.

14. Requirements for sky signs

- (1) Two or more sky signs placed one above the other, whether or not in the same vertical plane shall, for the purposes of this section, be deemed to be one sign.
- (2) In areas of maximum control (*as defined in the Outdoor Advertising Policy for the Heidelberg Town Council*) every sky sign shall be set against a screen complying with the requirement of Section 15.
- (3) No part of a sky sign shall protrude beyond, above or below the edge of the screen required in terms of subsection (2).
- (4) If the number of storeys contained in that part of a building which is directly below a sky sign is set out in column 1 of the following table, the maximum vertical dimension of such is recommended not to exceed the dimension specified opposite such number in column 2 of that table.

Number of Storeys Below Sign	Maximum Vertical Dimension
One or two storeys	1,5m
Three or four storeys	2,0m
Five or six storeys	3,0m
Seven or eight storeys	4,0m
Nine or more storeys	5,0m

- (5) Skysigns with dimensions other than the above table will be considered by Council on their merits.

15. Screens for sky signs

Every screen for sky sign required in terms of Section 14(2) shall comply with the following requirements:

- (a)
 - (i) Subject to the provisions of subparagraph (ii), every screen shall be so arranged and constructed as to form a continuous enclosure effectively concealing the frame and the structural components of the sky sign and the screen from view and, if the Council so requires, from adjacent or neighbouring properties;
 - (ii) If in the opinion of the Council, the walls of any contiguous buildings are of such height and construction that they will effectively conceal and do not contain openings overlooking the frame and structural components referred to in subparagraph (i), the Council may, subject to

any condition it deems expedient, relax the requirement of that subparagraph requiring the provision of a continuous enclosure;

- (b) unless the Council allows otherwise, no part of the screen shall protrude beyond the perimeter of the building on which it is constructed.
- (c) the gap between the bottom of the screen and that part of the building immediately below it shall not exceed 100mm.
- (d) the vertical dimension of every such screen shall not exceed one-and-one-half times the vertical dimension of the sky sign as contemplated in Section 14(4): Provided that if the screen also encloses a lift motor room, tank or other structure on the roof of the building, the vertical dimension of the screen may be increased to the same height as such room, tank or structure.
- (e) if the material of which the screen is made has an open mesh or grid formation, the openings in such mesh or grid shall be uniform, the aggregate area of the openings shall not exceed 25% of the area of the screen and no dimension of any such opening shall exceed 100mm: Provided that the Council may allow the erection of a screen of louvre design if it will ensure the effective concealment as required in terms of paragraph (a)(i).

16. Signs on buildings used for residential purposes

- (1) A single sign containing the name only of any building used for residential purposes other than a dwelling house and a sign consisting of a 600mm x 450mm brass or other metal plate displaying the name of the company owning or managing such building, its logo and telephone number, may be displayed.
- (2) A sign contemplated in subsection (1) shall:
 - (a) be fixed to or built into one or more walls of the building or a freestanding wall or boundary wall of the property;
 - (b) not be internally illuminated;
 - (c) be limited to one each of the signs referred to in that subsection per street frontage of the property concerned.
- (3) A sign consisting of a 600mm x 450mm metal plate or board indicating the name and profession or occupation of the occupant may be affixed to the boundary wall or fence, or the entrance door of a dwelling house or dwelling unit, or to a wall in the entrance hall of a building used for residential purposes.
- (4) Where a business or profession is conducted from a property in a predominantly residential area by consent of the Council, or in terms of an Amendment Scheme (*rezoning*) a sign not exceeding 1 m², advising the public as to the nature of the business or profession conducted on the premises, may be erected as an element of a street-facing boundary wall. Any sign so erected shall form an aesthetically integral portion of the architecture of either the street, facing boundary wall or a substantial architecture element designed to the satisfaction of the Council on the boundary of the property in question. The sign so erected shall not, in the opinion of the Council, detract from the residential character of the neighbourhood or have a negative impact on the market value of adjacent residential properties.

17. Signs on awnings

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

18. Sun-blinds

- (1) All sun-blinds shall be so made and fixed as to be incapable of being lowered to within 2m of the footway or pavement.

- (2) Except at street intersections, sun-blinds shall only be placed parallel to the building line.
- (3) At street intersections, sun-blinds, both new and existing, shall be so placed that they shall not cause any interference with vehicular or pedestrian traffic, traffic lights, street name plates or other notices for the guidance of the public.

19. Bill postings and hoardings

- (1) No sign or hoarding which is not placed on a building and no billposting hoarding shall exceed 6m in height above ground level.
- (2) Drawings to a scale of 1:20 showing all structural details, shall be submitted to the Council together with other details specially required under these By-laws dealing with signs.
- (3) The design of such hoardings and signs shall be to the satisfaction of the Council.

20. Signs not to be fixed to verandah columns

No sign of any description shall be fixed to street veranda posts or columns.

21. Signs regarded as tenancy at will

- (1) Any person erecting or possessing signs on or over any street, footway or pavement shall be regarded a tenant at will of the Council in respect of such signs and if instructed by the Council to remove any or all of them, shall do so either within 14 days if the sign is fixed to a pole or other structure, or immediately if the sign is free standing and portable, without any compensation either for direct, indirect or consequential damages.
- (2) The Council may remove such signs in the event of non-compliance with such instruction or if they are not in accordance with these By-laws and the expenses of such removal shall be recoverable in the ordinary process of law from the owner of the building or from the person to whom the signs belong.

22. Advertisements on banners or similar items

- (1) Subject to the provisions of Section 4(1) and 22(2) no advertisement shall be displayed on any banner, streamer, flag, paper, paper mache, plastic sheet or other similar pliable material or on calico or other woven material without the written permission of the Council, subject to such conditions as the Council may deem expedient.
- (2) Permission in terms of subsection (1) shall only be granted for an advertisement relating to a function or event conducted for religious, educational, social welfare, animal welfare, sporting, civic or cultural purposes or to a function or event relating to a Municipal, Provincial or Parliamentary election or referendum.
- (3) Every application for permission in terms of subsection (1) shall be in terms of charges as set out in Section 31 in respect of each advertisement to which the application relates.
- (4) The Council or its authorised agent may, without notice, remove and destroy any advertisement contemplated in subsection (1) which is displayed in contravention of this section.
- (5) Every person to whom permission has been granted in terms of subsection (1) shall ensure that the following requirements are complied with:
 - (a) not more than five advertisements shall be displayed in respect of one function or event and with no more than one advertisement per street front;
 - (b) every advertisement shall be attached to or suspended between poles or other supports on the site on which the function or event is to be held;

- (c) every advertisement shall be so attached so as not to interfere with or constitute a danger to passing vehicular or pedestrian traffic;
 - (d) no advertisement shall be displayed for more than one week before the date of the function or event advertised nor shall any such advertisement be permitted to remain in position for more than three days after the conclusion of such function or event.
- (6) No banner approved in terms of this Section may be larger than 6m².

23. Advertisements on balloons

The Council may, for the purpose of considering an application for approval in terms of Section 2 of a sign to be displayed on a tethered balloon for a period not exceeding four days and being airborne only during daylight hours, have regard to:

- (a) the period for which the balloon will so be used;
- (b) the size of the balloon;
- (c) the type of gas with which the balloon is to be filled;
- (d) the strength of the anchorage and of the anchoring cable;
- (e) the provision of a device by means of which the balloon will automatically so deflate as to sink slowly to the ground in the event of the failure or severance of the anchorage or anchoring cable;
- (f) the possibility of interference with traffic, pedestrian or vehicular;
- (g) any requirement or condition prescribe by the Department of Civil Aviation, including the maximum permissible height to which the balloon must be restricted;
- (h) the location of the balloon.

24. Painted advertisements

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

25. Temporary signs and advertising

- (1) Signs relating to the letting or selling of property, complying with the following requirements, may be displayed without the approval of the Council:
 - (a) any sign not exceeding 600mm x 450mm in size containing the words "for sale" or "to let" in respect of any dwelling house or residential building and which in addition may display only the name, address and telephone number of the selling or letting agent and which is placed on or fixed to the building concerned, is attached parallel to a boundary fence of the erf on which the building is situated or is otherwise displayed within the boundaries of such erf. Such signs shall be limited to one sign per agent with a maximum of five signs per erf;
 - (b) any one sign per street frontage not exceeding 600mm x 450mm in size, which contains only the lettering for the word "Sold" in respect of any dwelling house, or residential building, and which:
 - (i) is displayed only after all signs referred to or in paragraph (a) have been removed;

- (ii) is placed on or fixed to the building concerned, or is attached to a boundary fence of the erf on which the building is situated or is otherwise displayed within the boundaries of such erf;
 - (c) any sign not exceeding 6m² fixed flat on the facade of a non-residential building which contains only the words "For Sale" or "To Let" and the name, address and telephone number for the selling or letting agent, or only the lettering for the word "Sold" with a maximum of one sign per building for a period not exceeding three months;
 - (d) any sign not exceeding 600mm x 450mm in size, displayed on a vacant residential erf and which displays only the words "For Sale" or "To Let" and the name, address and telephone number of the owner or his agent, or only the word "Sold". Such signs shall be limited to one sign per agency with a maximum of three agencies per erf for a maximum period of two months;
 - (e) any sign not exceeding 6m² in size on a vacant non-residential erf and which displays only the words "For Sale" or "To Let" and the name, address and telephone number of the owner or his agent or only the word "sold" with a only one sign per erf for a maximum period of three months;
 - (f) any directional sign displayed by the Automobile Association of Southern Africa or any other approved body advertising particular event.
- (2) Any sign or banner not exceeding 4m² and not more than 3m above the ground, containing letters, figures, advertising emblems or devices, not exceeding 150mm in height, relating solely to an entertainment, meeting, auction or a sale to be held upon or in relation to a certain site, may be displayed upon such site provided that such sign or banner shall not be displayed for more than one week before the function or event, the date of which must be displayed on the sign or banner, nor remain in position for more than three days after the conclusion of the function or event.
 - (3) Any selling or letting board(s) requiring approval of the Council in terms of Section 2(1) must conform to the design regulations currently in force with these By-laws.
 - (4) To consider at the Council's discretion temporary advertising on Council land or land vested in or controlled by the Council for a period not exceeding 30 days for special event signs.

26. Signs on and over streets

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

27. Posters

- (1) (a) No person shall in, or in view of, any street display or cause or allow it to be displayed any poster unless he has first obtained the written permission of the Council.
- (b) No permission shall be given for the display of any poster concerning any commercial undertaking or activity or concerning any activity which, in the opinion of the Council, is primarily or mainly of a commercial character.
- (2) Every application for permission required in terms of Section 27(1) shall be accompanied by an application fee or a deposit as set out in Section 31 and written details of the townships and streets in which the posters are to be displayed and all the posters to which the application

relates: Provided that for Parliamentary, Provincial or Municipal elections only one poster need be submitted and an application fee paid by each candidate as set out in Section 31: Provided that for National, Provincial or Municipal referendums only one poster need be submitted and an application fee paid by each registered political party as set out in Section 31:

- (a) every Poster for which permission is granted in terms of subsection (1) shall be provided with a Council sticker and only posters with Heidelberg stickers affixed or approved Heidelberg Transitional Local Council markings shall be displayed;
 - (b) the Council shall be entitled to retain one such poster for identification purposes.
- (3) Any person who displays or causes or allows to be displayed in or in view of a street, a poster, for which permission has been granted in terms of subsection (1), shall ensure that the following requirements are complied with:
- (a) no poster shall be so displayed that any part of it is lower than 1,2m or higher than 3m above the sidewalk or ground level immediately below it;
 - (b) no poster displayed by any person shall be indecent, or suggestive of indecency, prejudicial to public morals or reasonably objectionable;
 - (c) every poster other than a parliamentary, provincial or municipal election or referendum poster shall be displayed in a permanent frame of a design and in a predetermined location approved by the Council. The maximum size for frames shall not exceed:
Advertising posters 900mm high x 600mm wide
Press posters 600mm high x 450mm wide
 - (d) every parliamentary or municipal election or referendum poster shall be attached to a board made of wood, hardboard, correx or other approved material in such a manner that it will not become wholly or partially dislodged by wind or rain and neither the board nor poster shall exceed 900mm high x 600mm wide and secured only to an electric light standard erected by the Council or the State in a street or public place: Provided that such board is secured to such light standard by means of stout string or plastic ties only (*no securing material with a metal content is permitted*);
 - (e) a "frame" referred to in paragraph (c) shall not be placed on/or against or attached to or otherwise supported by any transformer box, telegraph pole, tree, road traffic sign or other sign or object with the exception of an electric light standard erected by the Council or the State in a street or public place, provided such frame is secured to such light standard in such a manner (*to the approval of the Council*) that it will not become or wholly or partially dislodged by wind or an other means, and positioned in such a manner that it does not obscure or interfere with the electrical inspection chamber or pole identification number or impair the safety of motorists or pedestrians, maximum of 2 frames per pole;
 - (f) no poster relating to a meeting, function or event, other than a parliamentary, provincial or municipal election or referendum shall be displayed for longer than ten days before the date on which such meeting, function or event begins or longer than four days after the date on which it ends;
 - (g) no poster relating to a parliamentary, provincial or municipal election or to a specific candidate in such election or a poster relating to a referendum shall be displayed for longer than the period extending from the beginning of either the date of nomination or the date of proclamation in the Government Gazette declaring that a referendum is to be held, as the case may be, to the end of the tenth day after the date of such election or referendum: Provided that posters not relating to a specific candidate may also be displayed for a period no longer than that extending from a date fourteen days prior to either nomination day of the date of proclamation in the Government Gazette declaring a referendum is to be held, as the case may be, to the end of the fifth day after the date of such election;

- (h) subject to the discretion of the Council, not more than 100 posters shall be displayed at any one time in relation to any meeting, function or event, other than a parliamentary, provincial or municipal election or referendum or a meeting relating to an election or referendum;
 - (i) in respect of each candidate not more than 100 posters or other advertisements shall be exhibited at any one time in any municipal ward and not more than 300 shall be so exhibited in any parliamentary constituency, in respect of a referendum not more than 1 000 posters or other advertisements per registered political party shall be so exhibited in the municipal area of the Heidelberg Town Council;
 - (j) the details of the event, the commencement and final date of the event and the venue with address where it is to be held must appear on the posters in letters not less than 50mm in height and 10mm in thickness, with all other information pertinent to the event in letters not less than 300mm in height and 5mm in thickness;
 - (k) the commercial content of the poster may not exceed 20% of the area of the poster nor may such commercial lettering be larger than the main lettering in the remainder of the poster;
 - (l) the posters may not have a display period of more than 28 consecutive days for any event advertised;
 - (m) the display of posters on any bridge or in sensitive areas identified by the Council, is prohibited;
 - (n) the display of auction posters shall only be for the sale of fixed property within the area of jurisdiction of the Heidelberg Town Council, duly authorised by the Sheriff of the Court, to a maximum of 20;
 - (o) the display of political posters not directly for the purposes of a Parliamentary, Provincial or Municipal election or referendum, shall be regarded as advertising.
- (4) The provisions of subsection 27(2) shall not apply in respect of a poster relating to an election, or a referendum, which:
- (a) is placed entirely inside private premises;
 - (b) is displayed in or on a motor vehicle;
 - (c) is displayed at the committee room clearly marked as such, of a candidate in an election; or
 - (d) is affixed to an advertising hoarding for which approval has been granted in terms of Section 2.
- (5) Any poster which is displayed without permission or in contravention of this section may without notice be removed and destroyed by the Council or person appointed by the Council. Any costs incurred by the Council in the removal will be borne by the person who displayed the poster or caused, or allowed it to be displayed.

28. Materials for signs, advertising hoardings, screens and supporting structures

- (1) All iron or steel used in any sign, advertising hoarding and screen referred to in Section 15 or as means of support for such sign, hoarding or screen shall be painted or otherwise effectively protected against corrosion.
- (2) No water soluble adhesive tape or other similar material shall be used to display or secure any sign elsewhere than on an advertising hoarding or within a fixture referred to in Section 4(1)(d).

29. Power cables and conduits to sign

- (1) Every power cable and conduit containing electrical conductors for the operation of a sign shall be so positioned and fixed that it is not unsightly.

- (2) No sign or advertising hoarding shall be connected to any electricity supply without the prior written permission of the relevant electricity supply authority. Such proof of permission shall be submitted if requested.

30. Erection and maintenance of signs and advertising hoardings

- (1) If, in the opinion of the Council, any sign or advertising hoarding is in a dangerous or unsafe condition or has been allowed to fall into a state of disrepair or interferes with the functioning of any road traffic sign, the Council may served a notice on an owner requiring him at his own cost, to remove the sign or hoarding or do other work specified in the notice within a period so specified.
- (2) The Council may, if in its opinion an emergency exists, instead of serving notice in terms of subsection (1) or if such notice has not been complied with within the period specified therein, itself carry out the removal of a sign or advertising hoarding or do other work which it may deem necessary and may recover the cost thereof from the owner referred to in subsection (1).

31. Charges

- (1) Every person who applies to the Council for its approval or permission shall on making application pay to the Council the charge determined therefore and no application shall be considered until such charge has been paid, the charges are set out below:
 - (a) in terms of Section 2(1) (*i.e. application for signs set out in Sections 8 to 19 and 23 to 26 inclusive*) the application fee is R50.00 per square metre of advertising display or part thereof. With a minimum fee of R 100.00 per application;
 - (b) in terms of Section 22(3) (*i.e. advertisements on banners or similar items*) an application fee of R100.00 is required;
 - (c) in terms of Section 27(2) (*i.e. posters in permanent frames*)-
 - (i) an application fee of R1.00 per poster be paid to permit the display of posters of non-profit bodies only. These posters have to display the fundraising numbers of the bodies or a formal constitution has to be submitted to Council. No commercial advertising and logos of sponsors will appear on posters;
 - (ii) an application fee of R5.00 per poster with a minimum fee of R200.00 be paid to permit the display of posters of non-profit bodies for social and cultural events, with commercial advertising and logos of sponsors. The commercial advertising shall not exceed 20% of the area of the poster not is any lettering to be larger than any other lettering;
 - (iii) an application fee of R500.00 per candidate (*fully refundable on removal*) for a Parliamentary, Provincial or Municipal election;
 - (iv) an application fee of R1 000,00 per registered political party (*fully refundable on removable*) for a Parliamentary, Provincial or Municipal referendum; and
 - (v) an application fee to attach permanent frames to electric light standards within the area of jurisdiction of the Heidelberg Town Council is calculated at a rate per pole per month at the Council's discretion payable in advance per annum.
 - (d) In terms of Section 39 (*Billboards and Spectaculars as defined in Section 1*) an application fee of R200.00 is required for consideration of approval with a further amount of R50.00 per square meter of advertising display payable for final approval by Council irrespective of whether the sign is erected on private or Council land.

- (2) The fines and penalties in terms of Section 34 are set out below:
- (a)
 - (i) upon conviction of a first offence, the guilty party shall be liable to a further fine not exceeding R1 000.00 or, in default of payments, to imprisonment for a period not exceeding two months;
 - (ii) in the case of a continuing offence, the guilty party shall be liable to a further fine not exceeding R500.00 for every day during the continuance of such offence;
 - (iii) upon conviction of a second or subsequent offence, the guilty party shall be liable to a fine not exceeding R5 000.00 or in default of payment, to imprisonment for a period not exceeding six months.
 - (b) For the display of unauthorised posters or estate agent's boards, the guilty party as referred to in Section 35 shall be liable to a fine of R100.00 per poster or board.
 - (c) The penalty cost involved for the removal of unauthorised posters by Council will be:
 - (i) per poster (*unpasted*) R 10.00
 - (ii) per poster (*pasted*) R50,00
 - (iii) Saturdays relevant charge plus 50%
 - (iv) Sundays relevant charge plus 100%
 - (d) Spot fines to a maximum of R1 000.00 may be served by duly authorised officials of the Council on offenders for any contravention or failure to comply with the terms of these By-laws.
- (3) Any signs or advertising boards which have been removed and confiscated but not destroyed by the Council as a result of them not complying with these By-laws may be repurchased by the original owner at the following rates:
- (a) transit advertising signs may be repurchased at the cost of removal with a minimum fee of R500.00 plus R 100.00 per square meter of advertising display or part thereof;
 - (b) for all other signs the charge will be the cost of removal with a minimum of R500.00 plus R50.00 per square meter of advertising display or part thereof;
 - (c) signs removed and not repurchased within 3 months shall be disposed of by the Council.

32. Damage to Council property

- (1) No person shall intentionally or negligently, in the course of erecting or removing any sign, advertising hoarding, poster or banner cause damage to any tree, electric standard or service or other Council installation or property.
- (2) The costs for any repairs necessary will be for the account of persons in terms of Section 35.

33. Entry and inspection

The Council shall be entitled, through its duly authorised officers, to enter into and upon any premises, at an reasonable time for the purpose of carrying out any inspection necessary for the proper administration and enforcement of the provisions of these By-laws.

34. Offences

Any person who-

- (a) contravenes or fails to comply with any provision of these By-laws;

- (b) contravenes or fails to comply with any requirement set out in a notice issued and served to him in terms of these By-laws;
- (c) contravenes or fails to comply with any condition imposed in terms of these By-laws;
- (d) knowingly makes a false statement in respect of any application in terms of these By-laws;

shall be guilty of an offence and shall on conviction be liable to a fine or imprisonment as set out in Section 31(2)(a) and in the case of a continuing offence to a fine, as set out in Section 31(2)(b), for every day during the continuation of such offence after a written notice has been issued by the Council requiring discontinuance of such offence and for a second or subsequent offence he shall be liable on conviction to a fine or imprisonment as set out in Section 31(2)(c).

35. Presumptions

If any person is charged with an offence referred to in Section 34 relating to any design, advertising hoarding or poster:

- (a) it shall be deemed that he either displayed such sign, advertising hoarding or poster or caused or allowed it to be displayed;
- (b) the owner of any land or building on which any sign, advertising hoarding or poster was displayed, shall be deemed to having displayed such sign, advertising hoarding or poster or caused or allowed it to be displayed;
- (c) any person who was either alone or jointly, with any other person responsible for organising, or was in control of any meeting, function or event to which a sign or poster relates, shall be deemed to have displayed every sign or poster displayed in connection with such meeting, function or event or to have caused or allowed it to be displayed;
- (d) any person whose name appears on a sign, advertising hoarding or poster shall be deemed to have displayed such sign, advertising hoarding or poster or to have caused or allowed it to be displayed unless the contrary is proved.

36. Removal of signs or advertising hoardings

- (1) If any sign or advertising hoarding is displayed so that in the opinion of the Council it is detrimental to the environment or to the amenities of the neighbourhood, or otherwise in contravention of these By-laws, the Council may request or serve a notice on the owner of the sign or advertising hoarding to remove such sign or advertising hoarding or carry out such alteration thereto or do such work as may be specified in such request or notice within a time specified.
- (2) If a person fails to comply with a confirmed request or a notice referred to in subsection (1), the Council or its authorised agent may remove such a sign or advertising hoarding.
- (3) The Council shall in removing a sign or advertising hoarding contemplated in subsection (1) not be required to compensate any person in respect of such sign or advertising hoarding, in any way of loss or damage resulting from its removal.
- (4) Any costs incurred by the Council in removing a sign or advertising hoarding, in terms of subsection (2) or in doing alterations or other works in terms of this section may be recovered from the person on whom the notice contemplated in subsection (1) was served, or if a deposit has been paid in respect of such sign or hoarding the costs may be deducted from the deposit.
- (5) Notwithstanding the provisions of subsections (1), (2), (3) and (4) if a sign constitutes a danger to life or property or is objectionable, the Council itself may, without prior notice, carry out the removal of such sign or advertising hoarding.

37. Serving of notices

Where any notice or other document is required by these By-laws to be served on any person, it shall be deemed to have been properly served if served personally on him or any member of his household apparently over the age of sixteen years at his place of residence or on any person employed by him at his place of business, or if sent by registered post to such person's residential or business address as it appears in the records of the Council, or if such person is a company or closed corporation or a trust, if served on any person employed by that company, closed corporation or trust at its registered office or sent by registered post to such office.

Any verbal request for action to be taken in terms of these By-laws shall be confirmed in writing.

38. Billboards

- (1) Any billboard displayed may not:
 - (a) be in conflict with applicable State Legislation, or local By-laws;
 - (b) be detrimental to the nature of the environment in which it is located by reason of abnormal size, intensity of illumination or design;
 - (c) be in its content objectionable, indecent or insensitive to any section of the public or to any religious or cultural groupings or the like;
 - (d) unreasonably obscure partially or wholly any sign previously erected and legally displayed;
 - (e) constitute a danger to any person or property;
 - (f) encroach the boundary line of the property on which it is erected.
 - (2) Spacing of billboards shall be as follows:
 - (a) Highways and motorways-
 - (i) along roads with up to 120 kph speed limit shall be spaced at least 200 meters apart when in view of each other on a straight section and on the same side of the road.
 - (ii) not on the Freeway but on adjacent roads and erected with the intention to advertise to the Freeway traffic, shall be 200 meters apart from any sign on a straight section on the same side of the Freeway.
 - (b) Road intersections-

A maximum of 4 single-faced boards per intersection are permitted of which not more than 2 are permitted per corner.
 - (c) Suburban and township roads-

A minimum of 100 meters between billboards along straight sections of roads with up to 60 kph speed limit with a minimum spacing of 200 meters where the speed limit is higher than 60 kph.
 - (d) Rural areas shall be erected in such a way as not to obstruct one another, be of even height wherever possible and evenly spaced.
 - (3) Safety conditions
- Billboards shall be erected and serviced to comply with the following conditions:
- (a) Signalised intersection-
 - (i) they shall not have as main colours, red, amber, green;
 - (ii) they shall not obscure or interfere with any road traffic light or sign;

- (iii) they will not be permitted within specified distances at intersections controlled by traffic signals - see Figure 1 on page 40;
 - (iv) the prohibited areas of 30 meters in the case of unilluminated signs and 80 m in the case of illuminated signs - see Figure 1 on page 40 -shall not apply if the signs are elevated more than 5 m above the ground.
- (b) Illumination-
- Illumination of billboards is permitted provided such illumination does not constitute a road safety hazard or cause undue disturbance.
- (c) Erection and servicing on public roads-
- The traffic flow should not be impeded during erection and servicing of a billboard on a public road unless prior permission has been obtained and the necessary precautions arranged.
- (d) Prohibited areas on motorways-
- Billboards will not be permitted within specified distances of on and off-ramps of motorways and overhead traffic directional signs - see Figure 2 on page 41, except where a curve in the road renders the billboard not to interfere with a clear and undistracted view of the directional traffic sign.
- (4) Site identification
- All signs shall be numbered according to a uniform numbering system approved by Council. Sign owner's name or logo must be clearly displayed together with the identification number.
- (5) Maintenance
- Conduct regular site inspections to ensure the good condition of boards. Traffic flow should not be impeded during the servicing of a billboard on a public road unless prior permission has been obtained and the necessary safety precautions arranged.
- (6) Size per copy - At the Council's discretion to a maximum of
- Areas of partial control - 64 m²
- Areas of minimum control - 108 m²
- (Areas of control defined in the Heidelberg Town Council : Outdoor Advertising Policy).*
- (7) An application fee as set out in Section 31(1)(d) is payable.

39. Transit signs

- (1) Transit advertising signs shall only be permitted to be displayed if mobile at all times and comply with all requirements of the Traffic Ordinance.
- (2) The parking of a transit advertising sign on Council or private property for the purposes of third-party advertising is prohibited.
- (3) Transit advertising signs parked on private property for the purpose of storage shall be positioned in such a manner as not to be visible from a street or public place.
- (4) Notwithstanding the provisions of subsections (1), (2) and (3) or otherwise in contravention of these By-laws, the Council or its authorised agent may, without prior notice, carry out the removal of such transit advertising sign.
- (5) A transit advertising sign impounded by the Council may be repurchased in terms of Section 31(3) (a) within a period of 3 months of notification or such sign shall be disposed of by Council to defray any fines or removal costs involved.

40. Design requirements for signs

Regulations for Section 2(12)

(1) Definitions

"An item of information" on a sign means a syllable, an initial a symbol or logo, an abbreviation, a group of numbers (*eg a telephone number*), a broken plane (*ie more than one geometric shape or background area*) and a graphic feature.

(2) Design requirements

- (a) No information sign may contain more than 10 items of information: Provided that in the case of establishments with long names, such names should not be counted as more than 4 items of information provided that they appear only once per street frontage and the lettering is of the same size, style, colour and typeface.
- (b) Lettering 70mm in height or less will not be counted as an item of information.
- (c) Architectural letters less than 500mm in height and carved into the material of a building or attached securely to it are not counted as items of information: Provided that:
 - (i) the letters are not specially illuminated;
 - (ii) the letters are not constructed of a shiny material;
 - (iii) the colour of the letters does not contrast sharply with that of the building's surface;
 - (iv) the letters do not exceed 50mm in thickness.

(3) Sign formats

Any sign requiring approval in terms of Section 25 and which is required to conform to Section 25(3) may be exempt from submitting further individual applications in instances where a prototype sign format was approved by the Council, provided that Section 3 shall apply.

41. Right of appeal

- (1) A committee designated by the Council acts as a court of appeal. It has the power to consider an appeal:-
 - (a) against a decision to reject an application for an outdoor advertising sign;
 - (b) against a condition imposed on the consent of an application; or
 - (c) if the planning authority fails to give a decision within 60 days of the date of application.
- (2) Any person may appeal against any decision (*or lack thereof*) by the Council in terms of the by-laws, taken by an authorised officer under delegated powers, within 30 days of the receipt of notice of such decision.
- (3) Such appeal shall be made by lodging a notice setting out the nature and grounds of the appeal within the 30 days period with the Town Engineer.
- (4) The Committee shall hear the appeal including any oral or written submission from either party and inform the appellant of its decision, which shall be final, and the reasons therefore.

42. National building regulations

Should any conflict exist between these By-laws and the National Building Regulations and Building Standards Act 103 of 1977 the Act shall prevail.