

Buffalo City, South Africa

## Advertising Signs and the Disfigurement of the Front or Frontages of Streets By-law, 2010

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## Buffalo City South Africa

# Advertising Signs and the Disfigurement of the Front or Frontages of Streets By-law, 2010

Published in Eastern Cape Provincial Gazette 2279 on 10 February 2010

**Commenced on 10 February 2010**

*[This is the version of this document from 10 February 2010.]*

The Buffalo City Municipal Council, Province of the Eastern Cape, hereby publishes, in terms of section 13 of the Local Government: Municipal Systems Act, 2000 ([Act No. 32 of 2000](#)), read with section 162 of the [Constitution of the Republic of South Africa Act, 1996 \(Act No. 108 of 1996\)](#), the By-Law Relating to Advertising Signs and the Disfigurement of the Front and Frontages of Streets, as passed by Council on the 8th December 2009, Vide Council Minute BCC 412/09, which shall come into operation on the date of publication thereof.

### **Purpose of the By-law**

The purpose of this By-Law is to provide a set of regulations governing the use of land and buildings for outdoor advertising and signage, and all other matters pertaining thereto.

### **Chapter 1 Definitions**

In this By-Law, unless the context otherwise indicates:

"**Advertising structure**" means any physical structure built or capable of being used to display a sign.

"**Advertisement**" means any representation of a word, name, letter, figure or object or an abbreviation of a word or name, or any symbol; or any light which is not intended solely for illumination or as a warning against any dangers and "advertising" has a similar meaning.

"**Aerial sign**" means a sign that is displayed or performed in the air, including but not limited to balloons and blimps that can be flown from within the Municipality's area of jurisdiction.

"**Approval**" means approval by the Municipality.

"**Areas of control**" means those areas as set out in the Municipality's Advertising Signs Policy; and which may be modified and/or amended from time to time, which amendments and modifications will be graphically depicted by way of maps as prepared by the Municipality from time to time.

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

"**Billboard**" means any screen or board which stands free and is larger than 6m<sup>2</sup> in total area; which is supported by, or consists of, a structure used, or intended to be used, for the purpose of posting, displaying or exhibiting a sign.

"**Clear height**", in relation to a sign, means the vertical distance between the lowest edge of the sign and the natural level of the surrounding ground, footway or roadway immediately below the sign.

"**Commercial advertising**" means any words, letters, logos, figures, symbols, pictures relating to the name of a business, trade, partnership, individual, or any information, recommendation or exhortation; in respect of any

particular goods manufactured or sold, or any particular services rendered or offered, or any event for commerce or entertainment, including sporting events.

"**Commercially sponsored sign**" means a sign which advertises goods or services; but the erection of which has a primary purpose, which is to promote or contribute to some recognised public or community goal or function.

"**Common boundary façade**" means any façade of a building which is built abutting a rear or side boundary of an erf and which façade is blank, and as such having no architectural features, which includes windows.

"**Composite sign**" means a single advertising structure for the display of more than one advertising sign, either freestanding or affixed to a building.

"**Consultant**" means a suitably qualified independent person or company that acts on behalf of, or as an agent of, an applicant for approval of a sign.

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

"**Custom made design**" means the design of any sign, which features special effects such as specialist character cut outs and/or shapes and/or three dimensional presentations or moving parts and which is uniquely designed and/or constructed for erection in a particular location.

"**Development board**" means a sign displayed at premises upon which building operations are currently in progress or envisaged to proceed and relating to any services being provided, work being done or goods being supplied in connection with such building operations. This excludes contract boards for building and civil engineering projects as required in terms of the National Building Regulations and Building Standards [Act, 103 of 1977](#) as amended from time to time and defined in terms of the General Conditions of Contract and/or Specifications of the appropriate institutions.

"**Display**" means the display of a sign and includes the erection of any billboard, sign or structure intended solely or primarily for the support of a sign or billboard; and, in addition, includes the display of a sign of a business, trade partnership or individual connected with the contents of the sign or sign; and "displayed" has a corresponding meaning.

"**Electronic sign**" means a sign which has an electronically controlled, illuminated display surface which allows all, or a portion, of the sign to be changed, or illuminated in different ways.

"**Environmental Impact Assessment**" (EIA) means an assessment carried out in accordance with the Municipality's guidelines for outdoor advertising.

"**Estate Agency**" means a person who markets and/or sells properties with or without buildings erected thereon and "estate agent" has a corresponding meaning.

"**Existing sign**" means any sign previously approved by the Municipality.

"**Flat sign**" means a sign which is affixed to, or painted directly onto, a wall of a building but not onto, or over, windows or doors or architectural articulations and which at no point projects more than 250 mm in front of the surface of such wall.

"**Freestanding sign**" means any sign or group of signs contained or displayed on one freestanding structure which is not attached to a building or to any structure or object not intended to be used for the primary purpose of advertising.

"**Graphic**" includes but is not limited to any component which contributes to the visual appearance or aesthetics of a sign; including its background.

"**Headline poster**" means a temporary poster advertising the contents of a daily or weekly newspaper.

The "Height of a sign" is calculated by measuring the vertical distance between the uppermost and lowest parts of the structure.

"**Heritage Impact Assessment**" (HIA) means a visual assessment of the impact that any proposed sign may have on the cultural heritage, whether built or recognised, at the locality where the proposed sign will be displayed.

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

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

**"Locality Bound Advertising"** means any sign displayed on a specific erf, premises or building and may include (that subject to a prescribed encroachment fee) such a sign on municipal owned land, adjacent to, abutting on and/or within 5 metres of the aforementioned erf; premises or building which sign refers to an activity; product; service or attraction; located, rendered or provided on or from that erf or those premises.

**"Loose portable sign"** means a freestanding locality bound notice or advertising board placed or erected in the Road Reserve or in a public open space.

**"Movable sign"** means a sign not permanently fixed and not intended to remain fixed in one position, but does not include any moving part on a fixed permanent sign.

**"Municipality"** means the Buffalo City Municipality and includes any executive councillor, [or] Committee, [or] Sub-Committee established by the Municipality, or any employee, [thereof, [or] duly authorised agent thereof acting in connection with this By-Law by virtue of a power vested in the Municipality and delegated to such employee or agent.

**"New sign"** means any sign first displayed after the promulgation of this By-Law;

**"Non-profit body"** is a body established primarily to promote a community goal or benefit without direct or personal financial gain; and may include educational, sporting, medical, municipal departments; bodies as well as charities or community organisations. The Municipality may call for documentary proof, (which may include the production of bank statements) of the non profit status or community benefit objective of the body.

**"Overall height"**, in relation to a sign, means the vertical distance between the uppermost edge of the sign and the finished level of the ground, footway or roadway immediately below the centre point of the sign.

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

**"Person"** includes; an organ of state

a company incorporated or registered as such under any law

a body of persons, whether incorporated or not, functioning as a single entity for whatever purpose

individual person

**"Poster"** means temporary signs capable of being attached to the Municipal electrical light standards and/or pasted to fixed structures to advertise events or campaigns.

**"Projected sign"** means any sign projected by a laser projector, video projector, or other apparatus.

**"Projecting sign"** means a sign which is affixed to a wall of a building and which at some point projects more than 250 mm in front of the surface of such wall.

**"Public façade"** means any public façade that has windows or other architectural articulation.

**"Public place"** means any public road, public street, thoroughfare, bridge, Subway, footway, foot pavement, footpath, sidewalk, (or similar pedestrian portion of a Road Reserve), lane, square, open space, garden, park or enclosed place vested in the Municipality, or other state authority or indicated as such on the Surveyor General's records, or utilized by the public or zoned as such in terms of the applicable zoning scheme.

**"Public road"** means public road as defined in the National Road Traffic [Act 93 of 1996](#).

**"Road Authority"** means the road authority as defined in Section 2 of the Roads Ordinance ([Ordinance 19 of 1976](#)).

**"Road Reserve"** means the area contained within the statutory width of a road, and includes roadways, shoulders and sidewalks and the airspace above such roadways, shoulders and sidewalks and all other areas within the road reserve boundary.

**"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 No 93 of 1996](#).

**"Roof sign"** means a sign affixed to a roof of a building where the top edge of any point of that sign does not exceed the height of the roof plane to which it is affixed.

**"Scenic Drive"** means a road designated as such on an approved zoning scheme and from which landscapes or features of aesthetic or cultural significance can be seen or viewed.

**"Security sign"** means an outdoor sign for neighbourhood watch and similar schemes, and a sign 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 sign is displayed.

**"Service station facility sign"** means freestanding signs at petrol filling stations, roadside rest and service areas and includes service station pylon signs.

**"Shop"** means a building used for retail trade or services.

**"Sign"** means any object, product, replica, advertising structure, mural, device or board which is used to publicly display a sign or which is in itself a sign; and includes a poster and a billboard.

**"Signalized traffic intersection"** means an intersection controlled by traffic signals.

**"Sky sign"** means a sign where the top edge of any point of that sign exceeds the height of the roof plane to which it is affixed.

**"Sponsored sign"** means a sign, the primary purpose of which is not to advertise goods or services but which displays a graphic or content which promotes community or public awareness of a recognised public or community goal.

**"Street name signs affixed to kerbs"** means pole-mounted, double-sided, internally illuminated or unilluminated signs displayed in combination with names of streets, not exceeding 1 m<sup>2</sup>.

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

**"Temporary signs"** means signs which are displayed for a maximum period of 14 days, or such other period as may be approved.

**"Thickness"** in relation to a projecting sign, means the width of such sign measured parallel to the plane of the main wall to which such sign is affixed.

**"Third-party advertising"** means the advertising of goods or services that are not made, procured, sold or delivered from the property on which the sign and/or sign advertising of those goods or services is fixed or placed, and includes advertising which is not locality bound as well as the display of a sign which is made, procured or sold from the property but advertises goods or services which are not made, procured, sold or delivered from that property.

**"Three dimensional sign"** means a sign containing more than 2 dimensions, including product replicas.

**"Traffic Impact Study"** (TIS) means a study carried out by a registered Professional Engineer with demonstrable experience in the field of traffic engineering that investigates the impact a proposed sign may have on vehicle/pedestrian/cyclist safety and traffic operation.

The study should recommend any mitigating measures that may be required as a result of that impact.

**"Traffic Sign"** means a road traffic sign as prescribed in the National Road Traffic [Act No. 93 of 1996](#).

"**Traffic Signal**" means a road traffic signal as prescribed in the National Road Traffic [Act No. 93 of 1996](#)

"**Transit advertising**" means advertising by means of a movable sign which is capable of being transported by road either on or in conjunction with a motorized vehicle, including trailers primarily used for advertising.

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

"**Urban edge line**" means a predetermined point-to-point boundary line as determined by the Municipality from time to time, which has as its purpose, the containment of urban development.

"**Verandah**" includes a cantilevered canopy and sunblind.

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

"**Zone**" means a land use zone as set out in the relevant zoning schemes or Town Planning Regulations as amended from time to time and applicable to any erf on which a sign is displayed or intended to be displayed and "zoning" has a corresponding meaning.

## **Chapter 2**

### **General provisions**

#### **1. Submission of applications**

- 1.1 No person shall display any advertisement or erect or use any sign or advertising structure for advertising purposes without the Municipality's approval in terms of this By-Law and any other applicable legislation.
- 1.2 Every person intending to display a new sign or to alter or to add to an existing approved sign; or submitting a signage plan in terms of a Site Development Plan proposal, shall apply in writing to the Municipality which application, except in the case of poster applications, shall be accompanied by the following information in duplicate:
  - 1.2.1 A site plan showing the site on which it is proposed that the sign is to be erected or displayed, drawn to a scale of not less than 1:200 showing clearly and accurately the position of the sign and the building, if any, to which it is to be attached and showing every building and the existing signs on the site, existing and proposed landscaping, traffic signals and road traffic signs, and the positions, with dimensions, of the sign or sign in relation to the boundaries of the site and the location of the streets abutting the site, together with its existing approved zoning conditions.
  - 1.2.2 A drawing, which complies with the requirements of the National Building and Regulations Standards [Act 103 of 1977](#) and is in sufficient detail to enable the Municipality to consider the appearance of the sign and all relevant construction detail, including a description of the materials of which the sign is to be constructed, the colours to be used, and whether or not the sign is to be illuminated; and in the latter event, the plan shall indicate whether or not the sign is an electronic sign and, if so, full details shall be furnished.
  - 1.2.3 The drawing referred to in Section 1.2.2 above shall have detailed drawings of such sign to a scale of not less than 1:20 and a site plan indicating the position of the sign on the site to a scale of not less than 1:50.
  - 1.2.4 If the proposed graphics of the sign are to be altered or changed at any stage during its proposed period of display, such intention must be specified in the application, together with an undertaking that every proposed change of graphic will be delivered to the Municipality for its prior approval, two weeks prior to the proposed display thereof, failing which only the proposed graphics will be considered for approval.

- 1.2.5 If a sign is to be attached to or displayed on the wall or façade of a building, the Municipality may require the submission of an additional drawing 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 Municipality may require a coloured print of or an artist's photographic or computer generated impression of the building with the details of the proposed sign superimposed on such graphic and drawn as nearly as is practicable to the same scale as that of the graphic.
- 1.2.6 If the applicant is not the registered owner of the property on which the sign will be erected, the applicant shall obtain the signature of the registered owner of the land or building on which the sign is erected, indicating that person's knowledge of and consent to the application.
- 1.2 Upon the request of the Municipality; such additional drawings, calculations and other information as is necessary to enable the Municipality to establish the adequacy of the proposed means of securing, fixing or supporting any proposed sign, sign or billboard and its ability to resist all loads and forces to which the sign, advertising or billboard may be exposed and the sufficiency of the margin of safety against failure.
- [Please note: numbering as in original.]*
- 1.3 The Municipality may require, where necessary, the submission of an Environmental Impact Assessment (either the 1st stage thereof; being the completion of an Environmental Checklist or in its entirety), Heritage Impact Assessment and/or a Traffic Impact Study.
- 1.4 If in the Municipality's opinion, a community or portion thereof or a person will be affected by the proposed sign, it may require a public participation process prior to considering the approval.
- 1.5 The Municipality will require a signage master plan in respect of any development where the erection of numerous signs is proposed or the rationalisation of previously approved signs is required so as to allow it to consider a consistent design master plan prior to assessment of any individual sign.
- 1.6 The Municipality shall notify the applicant of any additional requirements it has, within 21 working days of the date of submission of the original application.
- 1.7 The Municipality shall be entitled to retain a copy of every document supplied to it as part of an application, but is not obliged to do so.
- 1.8 The Municipality may require written notification, by the applicant or person who erects an approved sign that such sign has been erected.

## **2. Charges and general factors in considering approval and/or amendments/conditions to approval**

- 2.1 Every person who applies to the Municipality for approval shall, on making application, pay to the Municipality an application fee as determined by the Municipality's Tariffs from time to time. No sign shall be erected until such time as the application fee has been paid in full.
- 2.2 In considering an application for the display of an advertisement or the erection of a sign in terms, of this By-Law, or an amendment or condition of approval, the Municipality shall have regard to the following factors:
- 2.2.1 The area of control in which the proposed sign is to be erected. Provided further that if a sign falls into more than one area of control, or if a proposed sign site located in one area of control may impact on an adjacent area of control, the Municipality shall be entitled to determine the area of control pertaining to that application.
- 2.2.2 The type of locality or landscape and the advertising opportunities pertaining to that area of control.



- 2.2.3 The number of signs already displayed or to be displayed on the erf and in the area surrounding such erf.
- 2.2.4 The findings of any Traffic Impact Study, Environmental or Heritage Impact Assessment more specifically any such finding as to whether the proposed sign will be detrimental to the environment or adversely affect the amenity of the locality or neighbourhood or affected properties;
- 2.2.5 Locality bound signs must relate to the lawful use of a property provided that no such sign shall be affixed to or placed on residential premises or portions thereof other than is permitted by or for home industries and legal temporary uses.
- 2.2.6 The outcome of any process of public participation regarding the proposed sign.
- 2.2.7 That no sign or advertisement may be designed or displayed that:
  - 2.2.7.1 will constitute a danger to any person or property;
  - 2.2.7.2 will display any material or graphic which, whether in form, content or both, may reasonably be expected to cause offence to the public or an identifiable section of the public.
  - 2.2.7.3 will be detrimental to the environment or amenity of the neighbourhood by reason of either its size, intensity, frequency, illumination, quality of design, material, proposed graphic, locality or for any other reason;
  - 2.2.7.4 will obscure any other signs approved in terms of this By-Law or Road Traffic Act or its predecessor.
  - 2.2.7.5 will be detrimental or otherwise negatively impact on the environment, whether artificial or natural.
- 2.2.8 In considering a proposal for new graphics in respect of a sign approved in terms of this By-Law, the Municipality will have regard to the factors referred to in Sections 2.2.4 to 2.2.7.
- 2.2.9 The Municipality will only consider an application for the extension of an approval period (in terms of Section 4.3) on condition that the said sign complies with the provisions of this By-Law as at the date of application for such an extension.
- 2.2.10 The Municipality will have regard to the factors referred to in Section 2.2.4 to 2.2.7 in assessing an application for an extension of the approval period in terms of Section 4.4. In the event of the approval period being extended by the Municipality, the extension period shall not exceed a further 5 year period.
- 2.2.11 Any application for an extension of an approval period in terms of Section 4.3 must be accompanied by the fee referred to in Section 2.1.

### **3. Factors relating to specific signs, areas of control and commercial sponsored signs**

The Municipality shall, in addition to the factors set out hereinabove, apply certain minimum standards to certain specific sign types and proposed localities when an application for approval is made in respect thereof and will apply certain specific criteria to applications for the erection of signs by non-profit bodies.

These specific standards and criteria are set out in the Municipality's Advertising Signs Policy which may be amended from time to time.

### **Illumination requirements**

- 3.1 The Municipality may approve an illuminated sign, provided that the provisions of this By-Law are complied with and that such illumination does not constitute a traffic safety hazard or cause undue light spillage.
- 3.2 Signs may not be illuminated if no sign content is displayed.
- 3.3 Requirement for internal illumination and/or electronic signs:
  - 3.3.1 Internally illuminated and electronic signs containing advertising may only be displayed in areas of partial and minimum control and must be less than 2,1 m<sup>2</sup>. This size condition may be waived, up to a maximum size of 4,5m<sup>2</sup> in any such area upon receipt of an Environmental and Heritage Impact Assessment showing no detrimental impact will be caused by the proposed display, or to any larger size specified by the Municipality in an area designated by the Municipality as a district in which illuminated or electronic signs are to be encouraged.
  - 3.3.2 Electronic signs may not have subliminal flashes.
  - 3.3.3 Prior to erection, the Municipality may require a Traffic Impact Assessment to be conducted, the results of which must indicate that no detrimental impact on traffic is envisaged may occur. In addition the Municipality may require subsequent traffic monitoring of any internally illuminated or electronic sign.
- 3.4 Requirements for external illumination:
  - 3.4.1 The light emanating from floodlights shall not negatively impact on traffic travelling in either direction.
  - 3.4.2 Floodlights shall not be positioned so as to create any undue light spillage beyond the surface area of the sign.
  - 3.4.4 Approved wayleaves MUST be obtained from the electricity department prior to any excavations for the installation of signs. This also applies for signs to be erected in the vicinity of overhead power lines.

*[Please note: numbering as in original.]*

### **Road traffic safety requirements**

- 3.5 Signs may not be erected in an area where the Roads Authority is of the opinion that they are an unacceptable distraction for motorists or where motorists turn, negotiate curves or traffic merges, diverges or weaves.
- 3.6 Electronic signs shall not be permitted if they are visible from a class 1 road, gateway route or a scenic drive unless expressly approved in writing by the Road Authority.
- 3.7 Advertising on bridges, towers, telecommunication masts or pylons shall not be permitted.
- 3.8 Signs shall not be located within 50m of the perimeter of an intersection of a designated road of metropolitan significance unless expressly approved in writing by the Road Authority.
- 3.9 The graphic content of signs shall not have the potential to be visually interpreted as a road traffic sign, due to any factor, including but not limited to the following:
  - (a) any 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;
  - (d) any reflectorised paint or material.
- 3.10 Signs may not be erected in an area where the traffic volume, the average following headway or accident history requires a higher than average degree of awareness from motorists.
- 3.11 Signs may not be attached to or obscure a road traffic sign or traffic signal.
- 3.12 Signs may not be erected within the road reserve of any public road unless expressly approved by the Road Authority.
- 3.13 When located at signalized traffic intersections, signs may not have the colours red or yellow or green as main colours and shall not obscure or interfere with any road traffic sign or traffic signal;
- 3.14 Electronic signs shall not be permitted within 80 metres of the perimeter of a signalised traffic intersection.
- 3.15 Flashing or running messages or variable transition messages that have a message change interval of greater than 0,3 seconds or have transition effects between message changes shall not be permitted if viewable from a public road.
- 3.16 Static display, simple transition signs shall display a complete frame for an information cycle length of not less than 60 seconds when visible from a signalised traffic intersection and 30 seconds at other locations.
- 3.17 All third-party signs larger than 4,5m<sup>2</sup> erected adjacent to a public road or in a railway reserve intended to advertise to persons using designated roads of metropolitan significance must be spaced a minimum specified distance from any other sign or road traffic sign, such distance measured parallel to the centre line of the roadway, in accordance with Table 1 below.

<b>Table 1: Linear spacing between signs</b>			
<b>Case</b>	<b>Spacing required when visible to traffic on a road with a speed of:</b>		
	60 km/h	61 - 80 km/h	81 -120 km/h
Where an advertising sign follows a road sign	380m	425m	475m
Where an advertising sign follows an advertising sign	310m	360m	410m

<b>Table 1: Linear spacing between signs</b>			
Where an advertising sign precedes a road sign	40m	70m	100m

- 3.18 The abovementioned minimum distances specified in Table 1 above may be decreased by the Municipality if the sign falls within an area of minimum control, or in other areas of control on submission of a TIS motivating a reduction of this spacing to the satisfaction of the Municipality. The Municipality may from time to time prepare a list or map of designated areas in which the abovementioned spacing requirements shall not be applicable.

### **Legal requirements**

- 3.19 All 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 any applicable Zoning Scheme Regulations or condition of approval of any departure from the applicable Zoning Scheme Regulations.

## **4. Approval**

- 4.1 The Municipality may refuse any application or grant its approval subject to conditions relating to the erection and/or use of the sign and including a condition that the owner of any sign or billboard or the land or building on which it is erected or displayed, or both such owners and/or the person whose product and/or services are advertised, indemnify the Municipality against any consequences flowing from the erection, display or mere presence of such sign.
- 4.2 The Municipality may, at any time, withdraw an approval granted in terms of this By-Law or its predecessor or amend any condition or impose a further condition in respect of such approval, if a sign or advertising structure is in a state of disrepair, stands empty for more than 90 consecutive days, no longer complies with any provision of this By-Law as can be amended from time to time or is substantially altered from the original approved application by way of either structure or graphic content.
- 4.3 Should an approved sign not be erected within 12 months from the date of approval or within such other time as is specified in the approval, such approval shall lapse, unless that period is extended in writing by the Municipality therefore upon application within one month prior to such lapse.
- 4.4 Any approval of third party advertising granted by the Municipality in terms of this By-Law, shall endure for a maximum period of 5 years, calculated from the date of approval, unless extended in writing prior to the expiry of the approval period. The Municipality must receive a written application for extension of the approval period at least six calendar months prior to the lapse of the approval period.
- 4.5 In the event that the structure supporting such sign is intentionally demolished before the expiry of the approval period, the approval shall lapse and no further sign or supporting structure may be erected or re-erected without the Municipality's prior approval in terms of this By-Law.
- 4.6 All decisions by the Municipality regarding applications made in terms of this By-Law shall be in writing and will be provided to Applicants within 90 calendar days of date of submission of a complete application, alternatively, if so required by the Municipality, within 90 calendar days of its receipt of any additional information and/or assessments provided to the Municipality.

## 5. Appeal

- 5.1 Any persons whose rights are affected by a decision made in connection with this By- Law by the Municipality may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.
- 5.2 The Municipal Manager must promptly submit the appeal to the appropriate appeal authority mentioned in Section 5.4.
- 5.3 The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- 5.4 The appropriate appeal authority will be as determined by Section 62 of the Municipal System's Act No. 32, as amended from time to time.

## 6. Subject to compliance with the conditions pertaining thereto and/or set out hereunder, the Municipality's approval is not required for the following signs

### 6.1 Development Boards on erven being developed

- 6.1.1 Development boards shall be removed forthwith when the building operations are complete or forthwith if the building operations are discontinued, or when the provisions of the services, the doing of the work, or the supply of the goods to which the sign relates has ceased;
- 6.1.2 The Municipality may order the removal of any such sign if the building operations have been substantially completed or discontinued or an Occupancy Certificate as defined in the National Building Regulations, has been issued by the Municipality, or the provision of the services, the doing of the work or the supply of the goods to which it relates, has for all practical purposes ceased, and such signs shall thereupon be forthwith removed but no later than 5 days after the date of the order for removal thereof.
- 6.1.3 If the premises on which building operations are in progress, are to be used wholly for residential purposes, only one development board shall be displayed and such development board shall not exceed 3m<sup>2</sup> in total area;
- 6.1.4 If the premises are not to be used wholly for residential purposes, no more than two development boards shall be displayed and each development board shall not exceed 3m<sup>2</sup> in total area;
- 6.1.5 If the signage, whether on freestanding boards, or flexible building covering material, include any other form of Third Party advertising, such signage will be approved in terms of the Municipality's Advertising Signs Policy as amended from time to time.

### 6.2 To let/For sale signs

These include any sign not exceeding 600mm x 450mm in size displayed at existing premises or at properties upon which a new building is being erected and relating to accommodation being offered to rent or purchase in the building, on condition that any such sign shall be removed within 60 days after the date upon which the accommodation to which it relates is let or sold (under special circumstances application may be made for a larger board, which will be considered on the merit of the particular application);

### 6.3 Sold signs

"Sold" sign will be condoned for a short period (maximum 3 weeks) after the conclusion of a sale and should replace the "for sale" sign. A "sold" sticker pasted over the "for Sale" section of the board will also be acceptable.

#### 6.4 On premises business signs

These include any unilluminated sign not projecting over a public road and not exceeding 450mm x 600mm in total area notifying only the types of trade, business, industry or profession lawfully conducted by any occupant or permanent resident of the premises to which it is attached, the name of such occupant, the type of activity, the address and telephone number of such premises and the hours of attendance (if any); provided that only one such sign per occupant may be displayed.

#### 6.5 Window signs

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

#### 6.6 Signs incorporated in the face of a building

Any sign forming an integral part of the fabric of a building (but excluding a painted sign or a sign affixed in any manner onto the building), on condition that no such sign shall exceed 0.2m<sup>2</sup> in total area.

#### 6.7 Signs on sports fields within areas of minimum control

Except when visible from scenic drives, in which case such signs erected around the perimeter of a sports field may not exceed a maximum size of 2 x 1m each. Larger signs which face inwards onto the field and are not visible from any other public place, shall also be permitted. The number of signs must not exceed five (5) signs within 45m from a major intersection.

#### 6.8 Security Signs

Any security sign not projecting over a public road and not exceeding 0.2m<sup>2</sup> in total area indicating either that a security watch scheme is in operation or that a security company has been contracted to protect the premises on which the sign is displayed, on condition that:

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

#### 6.9 Temporary sponsored, commercially sponsored and non-profit body signs: less than 4,5m<sup>2</sup>

- 6.9.1 Any such temporary sign whether erected by or in connection with a non profit body or not; not exceeding 4,5m<sup>2</sup> in total area on condition that no more than 15% of the total surface area of the sign is used for third party advertising; and the sign is not illuminated, and furthermore provided that only one such sign shall be permitted per erf and only on erf being utilized for such.
- 6.9.2 Signs which comply with provisions of Section 6.9.1 shall, when erected on municipal land, may only be erected once agreement has been concluded with the Municipality, wherein the extent of the community or public benefit as jointly agreed between the municipal department responsible for the premises and/or land has been agreed and the terms of the erection of the sign agreed, and a copy of the agreement lodged with the environmental management branch or its successor in title, of the Municipality.
- 6.9.3 All other sponsored signs are dealt with in the Municipality's Advertising Signs Policy as may be amended from time to time.

#### 6.10 Advertising on flags

Advertising flags not within the road reserve shall only be displayed on flag poles, provided that they are no closer together than 5m on anyone property on which they are displayed, and that no

more than five (5) flag poles are erected per street frontage and the size of each flag pole must not be more than 5m from the ground level and may not be within the road reserve.

#### 6.10.1 Advertising on vehicles

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

### 7. Disfigurement

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

### 8. Damage to municipal property

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

### 9. Entry and inspections

9.1 The Municipality shall be entitled, through its duly authorized officers, to enter into and upon any premises, at a reasonable time for the purpose of carrying out any inspection necessary for the proper administration and enforcement of the provisions of this By-Law.

### 10. Offences

10.1 Any person who:

10.1.1 contravenes or fails to comply with any provision of this By-Law;

10.1.2 contravenes or fails to comply with any requirement set out in a notice served on him in terms of this By-Law;

10.1.2 contravenes or fails to comply with any condition imposed in terms of this By-Law;

10.1.3 knowingly makes a false statement in respect of any application in terms of this By-Law shall be guilty of an offence and be liable to an admission of guilt fine.

10.2 The fines and penalties applicable to offences in terms of this By-Law are set out in the Municipality Tariff Book which may be amended from time to time.

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

### 11. Presumptions

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

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

- 11.1.2 the person whose name appears on an unlawful sign or whose product or services are advertised on such sign, shall be deemed, until the contrary is proved, to have displayed such sign, or to have caused or allowed it to be displayed unless the contrary is proved;
- 11.1.3 the owner of any land or building on which any unlawful sign was or is displayed, shall be deemed, until the contrary is proved, to have knowingly displayed such sign, or caused or allowed it to be displayed.

## **12. Enforcement and removal of signs**

- 12.1 If any sign displayed is in contravention of this By-Law, the Municipality may serve a notice on the owner or lessee of the sign, or the land owner on whose land the sign is erected or displayed, or person whose product or services are advertised, calling upon such person to remove such sign or carry out such alteration thereto or do such work as may be specified in such request or notice, within a time frame specified therein. Notwithstanding the service of such notice, it may be withdrawn or varied by the Municipality, by agreement with the person so served, or failing such agreement, by the service of a further notice.
- 12.2 Should the Municipality's demands, as set out in the notice, not be carried out within the time period specified therein, the Municipality may, without further notice to the person upon whom the notice was served and after obtaining relief from the appropriate court on an *ex parte* basis, remove or alter the sign or do such work as may be specified in such notice, provided that no court order shall be required, if the unlawful sign is erected or displayed on property belonging to the Municipality, prior to removal or alteration thereof.
- 12.3 In the event of the Municipality removing or altering a sign, the Municipality shall be required to compensate any person for any unreasonable loss or damage to property other than the unauthorised sign itself occasioned by or in respect of such removal or alteration.
- 12.4 Any costs incurred by the Municipality in removing signs, or in doing alterations or other works required in terms of a Notice, may be recovered from the person on whom the notice was served.
- 12.5 Notwithstanding any other clause in this By-Law, if a sign is, or is reasonably considered to be a danger to life or property, by a duly authorised employee of the Municipality, acting in connection with this By-Law, the Municipality itself may, without prior notice and without a Court Order; carry out or arrange for the removal of such sign. Any costs incurred by the Municipality in carrying out or arranging for the removal of such sign may be recovered from the owner or lessee of the sign, or the landowner on whose land the sign was erected, or the person whose product or services were advertised, jointly and severally.
- 12.6 Signs removed and not claimed within 2 months shall be disposed of by the Municipality.

## **13. Service of notices**

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

## **14. Magistrate's court jurisdiction**

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



## **15. Savings**

- 15.1 Any application for the display of any advertisement or erection of any advertising structure for advertising purposes, submitted to the Municipality and in respect of which a decision has not yet been made by the Municipality at the time of promulgation of this By-Law, shall be considered by the Municipality in terms of this By-Law.

## **16. Indemnity**

- 16.1 The Municipality shall be indemnified against any claims of whatsoever nature that may arise as a result of the presence of any sign approved and/or erected in terms of this By-Law, and also any claims of whatsoever nature that may arise as a result of damage to any sign that has been removed by the Municipality or its agent after failure by the offender to remove the sign as instructed in a written notice.

## **17. Waiver of regulations**

- 17.1 The Municipality may, if it deems it desirable to do so, waive compliance with or relax the provisions of this By-Law; provided that any person whose rights are adversely affected by such waiver or relaxation shall not be bound thereby.
- 17.2 In each case in which such waiver or relaxation has been granted to any person, the Municipality shall serve a written notice upon such person citing the relevant provision waived or relaxed and the extent to which such provision has been waived. In addition, the Municipality shall keep a record containing an identical copy of each such notice, which record shall be available for inspection by members of the public at the offices of the Municipality.
- 17.3 The Municipality when waiving any of the clauses of this By-Law shall be guided by the Municipality's Advertising Signs Policy as amended from time to time.

## **18. Repeal of by-laws**

Any by-law, policy or procedure of any of the erstwhile municipalities presently forming Buffalo City Municipality, relating to or dealing with Advertising signs and the disfigurement of the front or frontages of streets is hereby repealed.