

# MOSES KOTANE LOCAL MUNICIPALITY



## BY-LAW RELATING TO ADVERTISING

Original Council Approval		Amended
Date of Council Approval	31/05/2024	No
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The Moses Kotane Local Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the Local Government: Municipal Systems Act (Act 32 of 2000) hereby publishes the bylaws as set forth hereafter as bylaws made by the Municipality which bylaws will come into effect on the first day of the month following the date of publication hereof.

## **1. Definitions**

For the purpose of these bylaws, unless the context otherwise indicates:

“**advertisement**” means any audible or visible representation of a word, name letter, figure or object or 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 has as its object the furthering of any industry, trade, business undertaking, event or activity of whatever nature, on or visible from a public road;

“**advertising vehicle**” means a vehicle which has been constructed or adapted for use primarily for the display of advertisements;

“**aerial advertisement**” means any advertisement displayed or made in the air by the use of aeroplanes, kites balloons, rockets, fireworks, microlights or by any other means;

“**applicant**” means the occupier of premises by whom an application for permission to retain or to erect a sign or display an advertisement on such premises is made in terms of section 4 of this by-law;

“**Authorised Officer**” means an official authorised by resolution of the Municipality to administer these bylaws;

“**clear height**” in relation to a sign means the vertical distance between the lowest edge of such sign and the level of the road, footway or roadway immediately below such sign;

“**depth**” in relation to a sign means the vertical distance between the uppermost and lowest edges of such sign;

“**directional**” in relation to any advertisement or part thereof means that such advertisement or part thereof means that such advertisement or part conveys only the name and, in words, the nature of the industry, trade, business, undertaking or activity which is carried on within the building or premises on which the advertisement appears;

“**display**” in relation to an advertisement includes the production of an audible sound and

“**to display**” has an equivalent meaning;

“**display window**” means a unit of fenestration filled with glass, polycarbonate or other suitable glazing material which is in an external wall of the basement storey, ground storey or mezzanine storey of a residential building or shop and which faces a street or public place;

“**electric advertisement**” means an advertisement in which electric current is used;

“**election advertisement**” means any advertisement or advertising apparatus which is visible from a street in any way whatsoever, and which is displayed in connection with a parliamentary or municipal election or by-election or referendum;

“**fascia advertisement**” means an advertisement which is directly displayed or painted on the front of a canopy or veranda beam;

“**fascia sign**” means a sign which is directly affixed to the front or sides or both the front and one or more sides of a canopy or veranda beam;

“**flashing advertisement**” means an electric advertisement which intermittently appears and disappears as a result of the electric current being successively switched on and off or for some other reason;

“**ground sign**” means a sign not attached to a building or wall but erected on the ground in any manner whatsoever or attached to any pole, pylon, screen, fence or hoarding;

“**illuminated advertisement**” means an advertisement which is at any time artificially illuminated by any means whatsoever and which is either supported directly with electrical current or is otherwise made luminous;

“**length**” means the horizontal measurement of a sign from one end to the other;

“**Municipality**” means the Moses Kotane Local Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any Official who has delegated powers in terms of Section 59 of the Local Government Municipal Systems Act (Act 32 of 2000);

“**national advertising**” is advertising that aims at the creation or maintenance of consumer demand through the promotion of a product or service on a national scale, such product or service available in each of the nine provinces;

“**overall height**” in relation to a sign means the vertical distance between the uppermost edge of such sign and the level of the ground, footway or roadway immediately below such sign;

“**pamphlet**” means any pamphlet, hand brochure or book, the object of which is to advertise or to introduce anything;

“**pointer board**” means an advertisement displayed on a sign which is erected on property belonging to or vested in the Municipality and which displays only the name of the selling agent, the words “show house” or “open house” or other words indicating that a house or flat for sale is on view, and an arrow indicating the route to such house or flat, and such other information as the Authorised Officer may approve;

“**projection sign**” means a sign affixed to a building the whole of which sign projects more than 300mm from such building and which is not a sky sign;

“**return wall**” means any external wall of a building, or any other wall, which faces any boundary, other than a street line, of the premises upon which such wall is situated;

“**road verge**” means the section between the boundary of the property and the roadway of any street, road or thoroughfare shown on the general plan of a township, agricultural holding or other division of land in respect of which the public have acquired a prescriptive or other right of way, and any other word or expression to which a meaning has been assigned in the Road Traffic Act, 1996 (Act 93 of 1996), shall have that meaning;

“**selling agent**” means any person who offers property for sale on his behalf or on behalf of another;

“**sign**” means any signboard, structure, device or thing intended or adapted for the display of any advertisement and includes that portion of a building on or onto which and advertisement is painted, written or projected;

“**sky sign**” means a sign erected or placed on or above the parapet or any portion of the roof of a building and a sign any portion of which extends above such parapet or portion of roof but excludes a sign painted on the roof of a building;

“**street**” excludes an arcade which is wholly within one or more buildings;

“**thickness**” means the horizontal dimension measured through a sign at right angles to the length;

“**under-canopy sign**” means a sign suspended or attach under a canopy or veranda;

“**wall sign**” means a sign, other than a projecting sign which is directly attached to an external wall of a building, or on a wall external to and not part of a building.

## **2. Approvals required**

Advertisements and signs for which approval is required:

Subject to the provisions of these bylaws no person shall erect, alter, display or maintain or cause or permit to be erected, altered, displayed or maintained any advertisement or sign which is visible from, or which in the case of an audio advertisement can be heard in any street or public place except under and in accordance with the written permission of the Municipal Manager.

## **3. Exempted advertisements and signs**

The provisions of this bylaw shall not apply to:

(a) any advertisement or sign which is displayed or erected:

(i) outside the registered office and every office or place of business of a company as required by section 50(1)(a) of the Companies Act, 1973 (Act 61 of 1973), and which bears the name only of such company;

(ii) on the outside door of the office and every office or place of business of a co-operative society or company, in terms of section 41 of the Co-operatives Act, 1981 (Act 91 of 1981) and which bears only the name of such society or company and a statement that it is registered in terms of the said Act;

(iii) at or over or near to the main entrance to any premises in respect of which a licence to carry on any business has been issued, and which bears only the name under which the business is carried on; or

(iv) outside the offices of accountants, actuaries, advocates, architects, attorneys, consulting engineers, conveyancers, dentists, medical practitioners, notaries, surveyors, veterinarians or other persons rendering services of a professional nature, on which only the name of a person or partnership and the nature of the profession is reflected. Provided that:

(aa) no such advertisement or sign shall exceed 4m<sup>2</sup> in area or project more than 50mm from the building or be closer than 4,5metres to the street line at the point at which it is fixed;

(bb) any two or more such advertisements or signs outside the office or place of business of a company shall be collectively placed and neatly arranged at the entrance to the premises; and

(cc) any two or more such advertisements or signs outside premises occupied by persons carrying on any of the professions referred to in subparagraph (iv) above shall be collectively placed and neatly arranged at the entrance to the premises.

(b) any advertisement or sign (other than an illuminated advertisement or sign), displayed in or erected in the interior of a building or displayed on a vehicle other than an advertising vehicle, book, newspaper, magazine or similar publication or which relates solely to the sale of any such publication;

(c) any advertisement which is displayed on the inside or outside surface of a display window, other than an illuminated advertisement;

(d) any advertisement not exceeding 2m by 1,5m in size advertising the sale or lease of premises which is displayed within the cartilage of the premises to be sold or leased or which does not project beyond the boundary of such premises by more than 100mm and is parallel to the street frontage; provided that such advertisement is limited to one per street frontage of the premises and is not displayed above or on the top of a canopy, and further provided that the dimensions of any such advertisement which relates to a dwelling house do not exceed 1,5m by 1m;

(e) any builder's board not exceeding 4m<sup>2</sup> in an area which is displayed on or within the cartilage of premises where building work, excavation work or pile-driving is in progress; provided that such board only be placed facing the main street frontage of such premises;

(f) any advertisement relating to an election, unless displayed in a street or public place or on other property of the Municipality, whether movable or immovable, other than leased property, provided that the person who displays or causes or suffers such advertisement to be displayed shall comply with the requirements of section 14,4(iv), (vii) and (viii) where applicable and section 14,6 to 14,9 shall *mutatis mutandis* apply;

(g) any advertisement relating to any meeting, event or function for religious, educational, cultural, charitable, social, sporting or civic purposes unless displayed in a street or public place or on other



property of the Municipality, whether movable or immovable, other than leased property, provided that the person who displays or causes or suffers such advertisement to be displayed shall comply with the requirements of section 14,4(iv), (vii) and (viii) where applicable and section 14,6 to 14,9 shall *mutatis mutandis* apply;

(h) any advertisement displayed for the purpose of a “non-profitable” public celebration, festival or festivity either for the period commencing two weeks prior to the holding of such celebration, festival or festivity and ending on the third day following the date of the termination thereof, or for a period of three months, whichever is the shorter, provided that such advertisement is maintained, in the opinion of the Authorised Officer, in a safe, neat and tidy condition;

(i) any advertisement displayed on a portable board, which does not exceed one metre by 600mm in size, and stands within the cartilage of premises, provided that no such advertisement shall be displayed between the hours of 18:00 and 06:00;

(j) any non-illuminated notice not exceeding 0,5m<sup>2</sup> in area over a maximum length of 2,0m which does not project over a public street or place and which serves solely to convey a warning or direction in relation to the premises or to identify the use for which portion of the premises is reserved, and the only advertising content on which notice serves merely to identify the person or body for which such portion is reserved in relation to that use; and

(k) a flagpole used solely for the display of the national flag of a country on a building wholly or partly occupied by the consulate or embassy of that country;

(l) welfare organisations may apply for the display of advertisement boards or banners and if granted these organisations may be exempted from the conditions applicable to payment for such advertisements.

Advertising signs shall be subject to the general rules regarding such advertisements as applicable in terms of this bylaw.

(m) Festivities and events in which the Municipality is an active participant and in respect of which exemption has been granted by resolution of the Council.

#### **4. Application procedure**

4.1 Every person intending to display, erect, alter or maintain any advertisement or sign for which the prior written permission of the Authorised Officer is required other than a sign to which bylaw 13 applies, shall apply for such permission on forms obtainable from the office of the Authorised Officer. Such forms shall be completed in every particular in duplicate, and shall be dated and signed by the applicant, who shall be the occupier of the premises on which such advertisement or sign is or is or is to be located.

4.2 Save as is provided in sub-bylaw 4.3 every such application shall be accompanied by:

(a) full particulars of the dimensions of such advertisement or sign and its location on a building or of any other supporting structure, the materials of construction, the name and address of the person or contractor displaying or erecting the advertisement or sign, the name and address of the manufacturer and, where applicable, full electrical details in regard thereto;

(b) drawings either in original form in ink on linen or other approved durable material, or in the form of legible prints on a durable material provided that in either case the size of the sheets shall be A0, A1, A2 or A3 and shall comprise:

(i) a block plan indicating the position of such advertisement or sign on the premises, drawn to a minimum scale of 1:500;

(ii) full detailed dimensioned drawings, drawn to a scale of not less than 1:20 showing the full text, lettering detail, colour, material, construction and method of attachment or suspension of the advertisement or sign;

(iii) a plan with elevations and sections to a scale of 1:100 showing the position of such advertisement or sign and its relationship to the premises and architectural features of any building, as well as to any existing advertisements or signs on the premises or any premises adjoining thereto;

Provided that:

(aa) in the case of a large building, the Authorised Officer may, in his discretion accept a drawing which shows only the portion of the elevation of the building on which such advertisement or sign is to be displayed or erected, in which case the entire elevation shall be indicated diagrammatically thereon, and a photograph of such elevation not less in size than 110mm x 85mm, shall be supplied showing clearly all existing signs thereon;

(bb) in the case where due to some special circumstance, a drawing of the elevation may be difficult to provide, the Authorised Officer may, in his discretion, accept a large photograph clearly showing the elevation with all existing signs in relation to the proposed advertisement and sign, and including details of same as required under subparagraph (a);

(cc) in the case of a painted or non-illuminated advertisement on a wall sign or on a fascia sign whose superficial area does not exceed 1,0m<sup>2</sup>, the Authorised Officer may, in his discretion, accept an application which complies with the requirements of sub-by-law 4.1 and paragraph (a) and (f) of this sub-by-law and which is accompanied by a photograph measuring not less than 200mm x 250mm which clearly shows the elevation of the building with all existing signs in relation to the proposed advertisement and sign as indicated thereon, together with a

sketch of such advertisement and sign indicating their dimensions, colours and the advertising content thereof;

(c) a clear photograph of the premises with the proposed advertisement or sign sketched thereon;

(d) such other drawings or photographs as are necessary, in the opinion of the Authorised Officer, to explain the true nature and scope of the application; in the case of a projecting sign, sky sign or ground sign, details regarding the size and material of all members of the supporting framework and of the anchorages and, if required by the Authorised Officer, full details of the basic assumptions used and the calculations made in the design of such sign and its supporting structure for the purpose of ensuring its stability as a whole; and

(e) the fee prescribed in terms of Municipality Tariff of Charges.

4.3 The provisions of sub-bylaw 4(2) may be waived by the Authorised Officer in respect of applications for permission to display advertisement or erect signs made in terms of bylaw 14 and to display aerial advertisements made in terms of bylaw 5.

4.4 (a) The Authorised Officer may refuse an application made in terms of sub-bylaw 4.1 or may grant it subject to such conditions, not inconsistent with provisions of these bylaws, as he may deem proper.

(b) Every advertisement or sign displayed or erected under these bylaws shall be deemed to be at the pleasure of the Municipality, and the owner or person having possession or control thereof shall remove any advertisement or sign within thirty days after receiving from the Authorised Officer a written notice requiring him to do so provided that, unless the Authorised Officer permission in terms of paragraph (a) of this sub-bylaw is granted for a specified lesser period and subject to the provisions of paragraph (g) below, no such notice shall be given until the expiry of one year from the date of permission, in the case of a ground

sign, two and a half years in the case of an advertisement applied to any surface by means of paint and of five years in the case of any illuminated advertisement or sign.

(c) Any applications which has been referred back to the applicant for amendment, shall be resubmitted within two months of the referral notice failing which the application shall lapse.

(d) Permission granted in terms of paragraph (a) is granted to the applicant only and shall lapse if he ceases to occupy the premises or to conduct the industry, trade, business, undertaking or activity to which the advertisement or sign relates; provided that the permission may on application to the Authorised Officer be transferred to a person who becomes the occupier of the premises concerned and succeeds the applicant as the person conducting the said industry, trade, business, undertaking or activity if such application is made within thirty days from the date of occupation.

(e) A permission granted in terms of paragraph (a) shall lapse if the advertisement or sign is not displayed or erected within six from the date of such permission, which period may be extended by the Authorised Officer for a period not exceeding six months, on the written application of the applicant.

(f) The applicant shall, within seven days after the erection of a sign give notice thereof to the Authorised Officer on a form obtainable from him.

(g) Notwithstanding the provisions of paragraph (b) an electric or illuminated advertisement which, after erection, in the opinion of the Authorised Officer, disturbs the occupants of any other premises shall, in the written order of the Authorised Officer, be altered in such manner, or limited to such hours of operation as may be specified in such order, or removed by the applicant or if he fails to do so, by the owner of the premises within such period as the Authorised Officer may specify.

(h) The Authorised Officer shall, if so requested in writing by an applicant whose application has been refused, or whose application has been granted subject to conditions, or a person on whom an order has been served in terms of paragraphs (b) or (g), forward the relevant documents, together with a report thereon, to the Municipal Manager for consideration by the Municipality or any committee of the Municipality to which it may have delegated its powers to review the decision of the Authorised Officer. Such request shall be made within fourteen days from the date on which the applicant receives the notice advising him to the Chief Protection Service's decision or the order, as the case may be. The notice or the order shall be deemed to have been received on the third day after its despatch to the applicant or person concerned until the contrary is proved.

## **5. Aerial advertisements : Applications**

Every application for permission to display, alter or maintain an aerial advertisement shall be accompanied by:

(a) particulars of the aerial advertisement, including its content, dimensions, the means of display and materials of construction;

(b) full particulars of the balloon, kite or other device by means of which the advertisement is to be displayed (in this bylaw referred to as "the aerial device", which device shall be deemed to be a sign for the purposes of these bylaws), including the materials of which it is made and the manner of construction and dimensions, as well as the method of anchorage or the tethering;

(c) the intended location with a description of the premises to which the aerial device will be anchored or tethered;

(d) the name and address of the person or contractor displaying the aerial advertisement and the name and address of the manufacturer of the aerial device and of its owner;

(e) the period and times of display;

(f) drawings in ink on approved, durable material, in original form or in the form of legible prints and in either case in A0, A1, A2 and A3 size comprising:

(i) dimensioned drawings to a scale of not less than 1:50 of the proposed advertisement, showing the full text and content, lettering detail, colour, method of reproduction, material and manner of attachment to the aerial device;

(ii) a block plan indicating the position of the aerial device on which the advertisement is to be displayed in relation to the premises to which it is to be anchored or tethered drawn to a minimum scale of 1:500, showing all buildings on such premises and the adjoining premises and buildings thereon, as well as street lamp, electricity and telephone poles and cables and all other structures within 30m of the proposed anchoring or tethering point;

(g) such other details, drawings or photographs as are necessary, in the opinion of the Authorised Officer, to explain the true nature and scope of the application;

(h) full details of the method of anchoring or tethering the aerial device, which shall be certified by a registered professional engineer, together with specifications of the size and materials of construction of all members of the tethering system and anchorage and, if required by the Authorised Officer, full details of the basic assumptions used and the calculations made in the design of such aerial device and its tethering or anchoring structure for the purpose of ensuring their stability and strength;

(i) the fee prescribed in the Municipality's schedule of Tariffs;

(j) where the applicant is not the owner of the premises within the boundaries of which the aerial device is to be anchored or tethered, the written consent of the owner to such anchoring or tethering;

(k) a written indemnity by the owner of the aerial device or his duly authorised agent, indemnifying the Municipality and its employees and the owners and occupants of the premises to which the device is to be anchored or tethered and of any adjoining premises as well as all other persons against damage to property and personal injury or loss of life resulting from any act or omission on the part of such owner or agent and their agents and employees, which indemnity shall be to the satisfaction of the Authorised Officer.

## **6. Advertising vehicles : Application**

Every application for permission to erect a sign on an advertising vehicle shall be accompanied by:

(a) full particulars of the sign including the materials of which it is made and the manner of its construction and dimensions;

(b) the full names, addresses and telephone number of the owner of the vehicle or, if the owner resides or has his place of business outside the Municipality's area of jurisdiction, of the person having control of the vehicle at all times;

(c) drawings either in original form in ink on linen or other approved durable material or in the form of legible prints on a durable material provided that in either case the size of the sheets shall be A0, A1, A2 or A3 and shall comprise a plan with elevations and sections to a scale of 1:50 showing the advertising vehicle, the supporting structure of the sign, its material and the method by which it is secured to such structure;

(d) one or more clear photographs of the advertising vehicle, if such vehicle exists, without and with the advertising sign secured thereto;



(e) a copy of the current vehicle licence and of a road-worthiness certificate (if applicable) issued in respect of such vehicle in terms of the relevant provisions of the Road Traffic Act, 1989 (Act 29 of 1989);and

(f) the prescribed fee;

(g) no advertising vehicle may be parked in the same spot on any public road for longer than 60 minutes.

## **7. Existing advertisements and signs**

Subject to the provisions of sub-bylaws 4.4(b), 4.4(g), 11 and 12, the provisions of these bylaws shall not apply to any advertisement or sign lawfully in existence before the date of promulgation hereof for a period of 24 months from the date of such promulgation, if such advertisement or sign is continuously displayed or kept in position without any alteration other than a minor alteration which the Authorised Officer in his sole discretion allows.

## **8. Alterations to advertisements or signs**

The permission granted in respect of any advertisement or sign shall lapse when any alteration or addition is made to such advertisement or sign provided that the provisions of this bylaw shall not apply to any advertisement referred to in sub-bylaws 13.2(c)(iv)(bb) and (cc); provided, further, that minor alterations or changes of text may be approved by the Authorised Officer by an enforcement on the original application.

## **9. Contravention of the provisions of this chapter**

9.1 Any person who displays an advertisement or erects a sign which does not comply with or conform to the requirements of this Chapter or who otherwise contravenes or fails to comply with any provision thereof shall be guilty of an offence and liable upon conviction to the fines

imposed by a Magistrate of the Magistrate's Court with jurisdiction in the area in which such offence was committed.

9.2 Whether or not a persecution for an offence under sub-bylaw 9.1 has been instituted, when any advertisement or sign is being displayed or has been erected:

(i) for which no permission has been granted by the Authorised Officer; or

(ii) for which the permission has expired, lapsed or been withdrawn; or

(iii) which does not conform with the particulars supplied in terms of bylaw 4.2(a); or

(iv) which does not comply with the conditions under which the Chief Protection Service's permission was granted; or

(v) which does not comply with or is contrary to any other provisions of these bylaws; the Authorised Officer may, by notice in writing served on the person who is displaying the advertisement or who has erected the sign, as the case may be, or who is causing or permitting such advertisement or sign to be displayed or erected, or the owner of the premises upon which it is being displayed or has been erected, or upon both such person and such owner, direct him or them, as the case may be, within a time to be specified in such notice, which shall not be less than fourteen days from the date on which the notice was given, to remove such advertisement or sign or to do such other things as may be set forth in such notice so as to bring the advertisement or sign into conformity or compliance, as the case may be.

9.3 If a person to whom notice has been given in terms of sub-bylaws fails to comply with a direction contained in that notice within the period therein specified, the Authorised Officer may, at any time after the expiration of that period, through the agency of any person authorised

thereto by him, enter upon the land upon which the advertisement or sign to which the notice relates, is being displayed or has been erected and remove the advertisement or sign or effect the alterations prescribed in the notice.

9.4 The Municipality may recover the expenses which have been incurred by any action taken under sub-bylaw 9.3 from any person to whom the notice in question was given, unless he proves:

(a) that he did not, at the time when he received the notice nor at any time thereafter, display the advertisement or erect the sign, as the case may be; or

(b) that he did not take any active part in displaying the advertisement or erecting the sign and did not grant any person permission to display or erect it and did not receive any valuable consideration in connection with the displaying of the advertisement or the erection of the sign, and that he does not manufacture an article or own, control or manage a business or undertaking to which the advertisement relates.

9.5 No compensation shall be payable by the Municipality to any person in consequence of any removal or other work required to be effected in terms of sub-bylaw 9.2.

9.6 For all purposes of these bylaws the owner of any premises on which an advertisement or sign is displayed or has been erected, as the case may be, or, where the owner does not occupy such premises, the occupier thereof and the manufacturer of any article or proprietor of any industry, trade, business, undertaking or activity to which the advertisement relates and the promoter of any entertainment or function to which an advertisement relates or any agent of such manufacturer, proprietor or promoter shall, unless the contrary is proved, be deemed to have displayed, erected or maintained such advertisement or sign to have caused or permitted any such advertisement or sign to be displayed, erected or maintained as the case may be.

## **10. Damage or defacement due to removal of advertisements or signs**

Any damage to or defacement of any premises caused by or resulting from the removal of any advertisement or sign shall forthwith be made good to the satisfaction of the Authorised Officer by the owner of the premises.

## **11. Construction of signs**

The person erecting or causing the erection of any sign shall ensure compliance with the following provisions:

(a) Resistance to loads. The sign and its supports and anchorage shall be able to sustain the dead load to which they may be subjected together with a wind loading equivalent to a horizontal static pressure of  $1,9\text{kN/m}^2$ .

(b) Drainage. Adequate provision shall be made to drain every sign to prevent the accumulation of water.

(c) Glass.

(i) All glass used in advertisements and signs other than glass tubing used for gas discharge illumination or similar appliances shall be of an approved type of safety glass having a thickness of not less than 4mm.

(ii) No pane shall have an area greater than  $1\text{m}^2$ .

(iii) No pane shall be secured in such a way that its stability is dependent upon any other pane.

(iv) An approved form of protection shall be provided to minimum the possibility of damage to the glass by falling objects.

## **12. Maintenance of advertisements or signs**

12.1 (a) The owner of premises on which an advertisement or sign which is exempted in terms of bylaw 3 from the provisions of bylaw 2 has been displayed or erected, as the case may be, and

(b) the owner of the premises on which an advertisement or sign which is not exempted has been displayed or erected, as the case may be, and the applicant who has been granted permission in terms of bylaw 4.4(a) in respect thereof, jointly and severally, shall maintain such advertisement or sign (together with its supports, braces, guys and anchors) in a state of good repair, both structurally and aesthetically.

12.2 Whenever any alteration is made to the ground level below or adjacent to any advertisement or sign the person or persons who are liable to maintain the advertisement or sign in terms of sub-bylaw 12.1 shall alter the height of such advertisement or sign so as to bring it into conformity with the provisions of these bylaws, if practicable.

12.3 Should any advertisement or sign become dangerous, unsightly or in any way constitute a nuisance, the person or persons who are liable to maintain the advertisement or sign in terms of sub-bylaw 12.1 shall forthwith remove the source of danger, the cause of the unsightliness or the nuisance, and failure to do so will constitute an offence. Should such person fail to comply with the terms of a notice from the Authorised Officer requiring him to remove such source of danger, the cause of the unsightliness or nuisance, the Authorised Officer may remove the advertisement or sign concerned and recover the cost of doing so in terms of section 9.4 and no compensation shall be payable by the Municipality in consequence of such removal.

12.4 The owner and any occupier of any premises upon which any advertisement or sign is displayed or erected within the public view, shall permit the Authorised Officer or a member of his staff duly authorised by him, to inspect such advertisement or sign and to execute any work in relation thereto or to remove the same, and shall furnish the Authorised Officer or such member, as the case may be, with any information that may be required regarding the display, erection or maintenance of such advertisement or sign.

### **13. Prohibited advertisements and signs**

13.1 No person shall display or distribute any of the following advertisements or erect any of the following signs:

(a) Any advertisement which, in the opinion of the Authorised Officer, is of an indecent, obscene or objectionable character or of a nature calculated to produce a pernicious or injurious effect on the public or any particular case of persons or is displayed in any place, in such a manner or by such means as, in the opinion of the Authorised Officer, is likely to affect injuriously the amenities of, or to disfigure any neighbourhood when the Authorised Officer has by notice served on such person conveyed his opinion to that effect.

(b) Any advertisement that is painted onto or attached in any manner to a tree or other plant or to any rock, cliff or other natural feature.

(c) Any advertisement or sign which obstructs any street, fire escape, exit way or any window or door or other opening use as a means of egress from premises or for ventilation or for fire fighting purposes or which prevents free passage from one part of a roof to another.

(d) Any advertisement or sign which is prohibited in terms of any town planning scheme.

(e) Any advertisement on a portable board displayed on a street pavement.

(f) Any advertisement or sign that is painted on or in any way affixed to the inside surface of any window of a residential building other than a display window.

(g) No pamphlets shall be scattered from the air, in any way be distributed in any street or public place or attached to the windscreens of any parked vehicles.

(h) No “Sold” boards will be allowed.

(i) No “For Sale” boards shall be allowed other than on vacant land.

13.2 (a) Advertisements painted on roofs. No advertisement shall be painted on a roof of a building which is not situated in an industrial zone, commercial zone, or an airport zone.

(b) Advertisements or signs interfacing with traffic or shipping control. No advertisement or sign shall be displayed or erected:

(i) which interferes with or is likely to interfere with any sign or signal for the control of traffic or with any marine or air navigational light or which is in any way likely to constitute a danger to traffic or shipping or aircraft;

(ii) which is so placed as to obstruct the view of traffic whether at any street intersection or elsewhere.

(c) Advertisements or signs in certain materials. No advertisement or sign shall be displayed or erected:

(i) on top of a canopy or veranda unless it consists solely of individual letters not exceeding 750mm in height to which may be added not more than two symbols, provided that:

(aa) the letters and symbols shall be of the cut-out type or be individually boxed; and

(b) a symbol shall not exceed 1m in height, and shall be mounted separately to the letters;

(ii) as a sky sign except in an industrial or harbour zone unless it is, in the opinion of the Authorised Officer, or such size or so backed by a portion of the building, or so constructed, as not to detract from the amenities of the neighbourhood or the appearance of the building;

(iii) in any area other than an industrial or general business zone unless such advertisement or sign is of an exclusively directional nature or is erected on an accommodation establishment as defined in section 1 of the Tourism Act, 1993 (Act 72 of 1993) or retail business premises;

(iv) on a sign made of cloth, paper, plastic or paper-mache or other material of a like nature unless such advertisement:

(aa) is displayed on a sale banner which is erected, parallel to and on the face of the premises fronting a street, not more than six times annually for periods not exceeding two weeks and which does not exceed 0,4m<sup>2</sup> in area for each linear metre of building frontage;

(bb) relates to current or forthcoming programmes and is displayed on or within the curtilage of premises used for public entertainment upon a sign and in a position approved by the Authorised Officer;

(cc) is displayed on an approved ground sign or on a flag which is affixed to a flagpole attached to a building in a manner approved in



writing by the Authorised Officer, subject at his discretion, to certification by a registered professional engineer;

(dd) is displayed during public celebrations or festive occasions;

(ee) is on any portion of a sunblind or awning;

(ff) is displayed as an advertisement in accordance with the provisions of bylaw 12 of these bylaws;

(gg) is either a flag of an embassy, central government or provincial government, the Municipality or the registered flag of a shipping company's house flag displayed at its main office or factory in the town.

(d) Extent of advertising matter permitted on signs. Not more than 50% of the area of any face of any advertisement or sign painted, affixed to or erected on any cantilever or veranda or on the street facade of any building shall contain advertising matter other than of an exclusively directional nature; provided that in the case of any advertisement or sign on the street façade of a building the Authorised Officer may grant relaxation of this provision as long as the total area covered by advertising matter on such building does not exceed 50% of the sum of the area of all faces of advertisements or signs on such building.

#### **14. Advertisements and signs on Municipal Property**

14.1 No person shall in any street or public place or on Municipal property display or cause or permit to be displayed any advertisement relating to an election or advertising any meeting, function or event of a sporting, civic, cultural, social, educational, religious, charitable or political or other similar character unless he shall have first obtained the written permission of the Authorised Officer, provided that:

(i) no permission shall be given for the display of any advertisement which contains advertising matter unconnected with the meeting,

function or event advertised and which occupies more than 20% of the surface area of the advertisement; and

(ii) no permission shall be given for the display of any advertisement which, in the opinion of the Authorised Officer, is primarily of a commercial character.

14.2 Every application for permission in terms of sub-bylaw (i) shall be accompanied:

(i) by a deposit which, in the case of election advertisements, shall be in accordance with the Municipality tariffs of charges;

(ii) where any advertisement is to be displayed on any property the written consent of the head of the municipal department in which control of the said property vests.

14.3 A deposit paid in terms of sub-bylaw 14.2 shall, subject to the provisions of sub-bylaws 14.5 and 14.10 be refunded when all the advertisements to which it relates have been removed to the satisfaction of the Authorised Officer.

14.4 Any person who, in the exercise of permission granted in terms of sub-bylaw 14.1, displays or causes or suffers an advertisement to be displayed shall comply with the following requirements:

(i) No advertisement and no board or material to which and advertisement is attached shall be placed in such a situation or fastened in such a manner as is likely, in the opinion of the Authorised Officer, to constitute a danger to any vehicular traffic or pedestrian or to any other person or any property in any street or public place or to Municipal property.

(ii) No advertisements relating to the same meeting, function, event or election candidate shall be placed within 10m of each other.

(iii) No advertisements on the boards or material to which they are attached shall be so placed that the content of separate advertisements when read in succession, forms a continuous legend relating to the same meeting, function or event.

(iv) No advertisement relating to a meeting, function or event other than an election, shall be displayed for longer than 14 days before the day on which it begins or longer than three days after the day on which it ends.

(v) Save with the special consent of the Authorised Officer, not more than 100 advertisements or copies of an advertisement shall be displayed at any one time relating to any meeting, function or even other than an election.

(vi) In respect of each candidate not more than 200 election advertisements or copies of an election advertisement shall be displayed in the places referred to in sub-bylaw (i).

(vii) No election advertisement shall be displayed for longer than the period extending from the beginning of the day of nomination to the end of the third day after the day of the election.

(viii) Any cloth, paper-mach or other similar material which may be used for the display of the advertisement shall be securely fixed to a portable board.

(ix) In respect of each political party not more than 500 election advertisements or copies of election advertisements shall be displayed in the places referred to in sub-bylaw 1.

14.5 Nothing in this section shall apply to an advertisement which:

(i) is displayed in or on a private motor vehicle parked or being driven in a street or public place in the course of its normal use as such a vehicle;

(ii) is affixed to a ground sign approved in terms of these bylaws for the display of advertisements.

14.6 Any person who, having displayed or caused to be displayed any advertisement in respect of which approval has been given under sub-bylaw 14.1 fails to remove it or cause it to be removed within the relevant period in terms of sub-bylaw 14.4 shall be guilty of an offence and the Authorised Officer shall be entitled to have any such advertisement removed; provided that if the costs of such removal exceeds any deposit such excess amount shall be a civil debt due to the Municipality; provided further that when any advertisement is so removed in terms of these bylaws, the Authorised Officer shall be entitled to destroy any such advertisement, without giving notice to anyone, after a period of fourteen days from the date of such removal.

14.7 Any person who displays or causes, permits or suffers to be displayed in any place referred to in subsection 14.1 any advertisement and any person, other than a police officer so other person charged with the enforcement of these bylaws, who is authorised by the person responsible for the display of the advertisement to remove it, shall be deemed to be the displayer thereof so long as it is displayed.

14.8 Any person who is either alone or jointly with any other person responsible for organising or is in control of any meeting, function or event to which an advertisement relates shall, until the contrary is proved, be deemed to have displayed or have caused, permitted or suffered to be displayed every advertisement relating to that meeting, function or event.

14.9 In any legal proceedings relating to an advertisement displayed either in accordance with or in contravention of this subsection, it shall be presumed that such advertisement was displayed by the persons, club or other body of persons sponsoring, promoting or organising or in control of the meeting, or event to which it relates or by the candidate to whom an election advertisement relates or that any such person, club or

body caused or permitted such advertisement to be displayed, as the case may be, until it be proved to be contrary.

14.10 The Authorised Officer shall be entitled, without giving notice to anyone, to remove or to cause to be removed any advertisement displayed without his permission in terms of sub-bylaw 14.1 or in contravention of any provision of this bylaw and the person who displayed any such advertisement or cause or permitted it to be displayed or is deemed under sub-bylaw 14.7 or 14.8 to have done so shall be liable to pay to the Municipality a sum as of the said removal may be deducted by the Municipality from any deposit made in terms of sub bylaw 14.2(i), provided that if the actual cost of removal exceeds such deposit the Municipality shall be entitled to recover such excess amount from such person and such amount shall be a civil debt due to the Municipality; provided further that when any advertisement is so removed in terms of these bylaws, Authorised Officer shall be entitled to destroy any such advertisement, without giving notice to anyone, after a period of fourteen days from the date of such removal.

14.11 For the purpose of this bylaw:

(i) an advertisement displayed upon the exterior wall or fence constituting the arrant boundary of any premises and fronting a street or public place shall be deemed to be displayed in a street or public place;

(ii) Municipal property includes all property, whether movable or immovable, which is owned by, vests in or is under the control of the Municipality other than property leased from the Municipality;

(iii) election advertisement means the advertisement used in connection with any parliamentary, provincial council or municipal election or by-election or referendum.

## **15. Pointer Boards**

15.1 The Authorised Officer may grant approval to the display of pointer boards, subject to compliance with the following requirement:-

Each selling agent shall submit to the Authorised Officer a written application, in the form approved by him, and pay the prescribed fee, for permission to erect and display the number of pointer boards specified in such application form provided this number does not exceed 10.

15.2 No person shall display a pointer board or cause a pointer board to be displayed:

(a) save to indicate the route to the property to be sold or a change in the direction of such route from any point;

(b) on a sign which exceeds 600mm x 500mm in area;

(c) on any Municipal property as defined in sub-by-law 14.11(ii) other than a road reserve;

(d) on any Municipal property unless approval has been granted in terms of sub-by-law 15.1 for such display;

(e) on a sign which is fixed to the soil and supported by any means other than one or two poles driven into unpaved ground between a road frontage boundary and the nearest edge of a public footpath, or if there is no such footpath in a position not nearer than 1,5m from the edge of the roadway as defined in the Road Traffic Act, 1989 (Act 29 of 1989), and at such height that its lower edge does not exceed 400mm above the ground immediately beneath such lower edge; provided that where there is no such unpaved ground, the board shall be attached to a street lighting standard of the Municipality by a method which has been approved in writing by the Authorised Officer.

(f) nearer than 10,0m from any road intersection or 10,0m from an entrance or exit to or from a freeway as defined in the said Road Traffic Act provided that only one directional sign per agency will be allowed.

(g) so as to obstruct the view from any portion of a roadway as defined in the said Road Traffic Act, of any road traffic sign or any street name sign; and

(h) pointer boards may not be displayed from sunset to sunrise. These shall be removed at sunset and replaced at sunrise;

(i) to a property on which the agent is not in attendance for the duration of the period that the sign is displayed;

(ii)

(j) on any traffic circle or island.

15.3 Any selling agent who, having displayed or caused to be displayed any pointer board in respect of which approval has been given under this subsection, fails to remove it or cause it to be removed within two hours of the end of the time stated in sub-by-law 15.2(h) shall be guilty of an offence and the Authorised Officer shall be entitled to remove any such pointer board and to recover from such agent for each and every such pointer board the fee prescribed in the Municipality's tariffs of charges; provided that any board which has not been claimed within a period of fourteen days from the date of such removal may be destroyed by the Municipality, without giving notice to anyone.

## **16. Signs attached to buildings**

16.1 Any sign which is attached to or suspended from a building shall, unless the Authorised Officer otherwise approves, have not less than four supports:

(i) any two of which shall be capable of carrying the mass of sign;

- (ii) the designed strength of which acting together shall be calculated on a mass equal to twice the dead load of the sign with the addition of any other loads to which such sign may be subjected; and
- (iii) which shall be neatly constructed as an integral part of the design of such sign and/or otherwise concealed from view.

16.2 Where directed by the Authorised Officer in writing, the stability and safety of any sign referred to in subsection 16.1 and its fixings shall be certified in writing, by a suitably qualified registered professional engineer.

## **DETAILED REQUIREMENTS FOR SIGNS**

### **17. Electric and illuminated advertisements**

17.1 Every electric advertisement and the sign on which it is displayed shall be constructed of non-combustible materials or other material approved by the Authorised Officer, and shall be installed in accordance with the provisions of the Electricity Supply Bylaws and the Code of Practice for the Wiring of Premises SABS 0142-51 as issued by the Bureau of Standards and published on 9 July 1982 under General Notice 463.

17.2 Where boxes or housing for electrical equipment are essential as part of an electric or illuminated advertisement, such boxes or housing shall be screened from view, provided that , if in the opinion of the Authorised Officer this is impracticable, such boxes or housing shall be painted to match the adjoining surfaces and be of a size adequate for efficient working and safety to the satisfaction of the Authorised Officer.

17.3 No person shall display any advertisement which is of such intense illumination as to disturb the occupants of residential buildings.

17.4 No flashing or animated advertisement, the periodicity of which exceeds 60 flashes to the minute, shall be so displayed that the lowest



point of such advertisement or the sign on which it is displayed is less than 2,45m above the ground.

17.5 No flashing, oscillating or animated advertisement which is totally unilluminated for intervals of more than two seconds during the period of operation shall be situated at a height of less than two storeys or 2,45m whichever is the greater height, above the ground level or footpath.

## **18. Ground signs**

18.1 No ground sign other than a single support sign shall have an overall height in excess of 7m above the ground at any point and no such sign shall have dimensions which exceed 12,65m in length and 5,65m height; provided that a ground sign which has a length of 6,65m or greater shall not be erected unless, in the opinion of the Authorised Officer, such sign screens premises which detract or likely to detract from the amenities of the neighbourhood by reasons of their appearance or the use of which they are put. Any area between such ground signs and the street line shall be grassed or otherwise ornamented at the expense of the applicant to the satisfaction of the Authorised Officer.

18.2 Unless otherwise permitted by the Authorised Officer, no single support sign shall:

(a) be longer than 1,55m where the lower edge of such sign is less than 2,45m above the ground surface

(b) be longer than 1,85m where the lower edge thereof is 2,45m or more but less than 3,25m above the ground surface;

(c) be longer than 2,13m where the lower edge thereof is 3,25m or more but less than 4,05m above the ground surface;

(d) be longer than 2,43m where the lower edge thereof is 4,05m or more but less than 4,85m above the ground surface;

(e) project beyond a point which is 450mm back from the nearest kerb line if the lower edge of the said sign is less than 5,5m above the ground surface;

(f) contain advertising matter other than exclusively directional on more than 50% of the area of any face thereof.

18.3 Every ground sign shall be firmly supported by and anchored to the ground. Supports and anchors may be of suitably treated timber or of corrosion resistant or corrosion proofed metal of masonry or concrete.

18.4 Any ground sign shall be removed within 7 days after request by the Authorised Officer.

## **19. Show House Signs**

19.1 Applicants shall be entitled to display the following signs in respect of each property advertised for sale for the period that the agent is in attendance on the property and may proceed to erect such advertisements without submission of applications and without payment of the deposit contemplated in bylaw 11.

19.2 A maximum of four (4) pointer boards may be placed directly in front of the unit on show. The other boards may be placed on road verges at intersections, subject to the conditions that no more than one (1) such board per agency per duration shall be allowed at each intersection.

19.3 Any show house banner shall only be affixed on the premises of the property to be sold and shall not be affixed on or across any sidewalk, street or other public place. Banners shall be attached to a wall, fence pole or other structure of the show house and shall be properly maintained.

19.4 Open office signs of estate agents shall only be placed on Sundays or public holidays and may not be placed more than one hundred (100) metres from the open office on the same side of the road as the relevant office is situated.

19.5 No show house sign or pointer board may be left out overnight.

19.6 Selling agents or their authorised representatives may apply to the Municipality for display of more advertisement signs of the nature contemplated in these bylaws, but approval thereof shall be subject to payment of advertisement fees as provided for in these bylaws and shall furthermore be subject to other conditions as may be laid down by the Municipality.

19.7 No bunting, flags, banners, balloons or A-frames shall be allowed for use in advertising of show houses or apartments.

## **20. Projecting Signs**

20.1 Every illuminated projecting sign and its supports and framework shall be constructed entirely of non-combustible materials or polycarbonate, acrylic polymer sheeting or any other material approved by the Authorised Officer.

20.2 No projecting signs or any part of its supports or framework shall:

(a) have the lower edge thereof less than 2,45m above the surface of the footpath or, if there is no footpath above the street or ground surface;

(b) exceed 1 250mm in depth or project more than 950mm from the visual surface of the building, where any portion of such sign is less than 3,7m above the surface of the footpath or, if there is no footpath, above the street or ground surface;

(c) project more than 1 250mm from the surface of the building or any architectural feature thereof where no portion of such sign is less than 7m above the footpath or, if there is no footpath, above the street or ground surface;

(d) project more than 1 850mm from the surface of the building or any architectural feature thereof where no portion of such sign is less than 7m above the footpath or, if there is no footpath, above the street or ground surface;

(e) project beyond a point which is 450mm back from the nearest kerb line if the said sign is less than 5,5m above the footpath or, if there is no footpath, above the street or ground surface;

(f) be located below a canopy or veranda that faces a street, or can be seen from a street, if such canopy or veranda , has its underside located at or below a level of 5m above the footpath immediately beneath it;

(g) contains advertising matter other than exclusively directional on more than 50% of its area, provided that, at the discretion of the Authorised Officer, this requirement may be relaxed in the case of an advertisement or sign on any one street elevation of a building as long as the total area covered by advertising matter on such elevation does not exceed 50% of the sum of the areas all faces of advertisements and signs on such elevation.

20.3 Every projecting sign shall be at right angles to the overall face of a building fronting a street; provided that such face shall be deemed to include any splayed section of the external wall of such exceeds 1,5m in length at the intersection of two streets.

20.4 Any projecting sign which is attached to a building of the height set out in Column 1 of Table 1, shall be so situated that no part of such sign has a depth greater than that set out in Column 2. For the purpose of

such Table the height of the building shall be measured as its vertical height above the ground at the point where the sign is to be erected.

## **TABLE I**

Column 1	Column 2
Height of building	Maximum depth of sign
Not exceeding 17m	9m
Exceeding 17m but not exceeding 34m	12m
Exceeding 34m but not exceeding 43m	14m
Exceeding 43m	15m

In calculating the depth of any sign in accordance with the above Table, signs placed one above the other in the same plane on the same building, or tier of that building, shall be deemed to be one sign, whether or not such signs belong to different owners or are displayed under separate permits.

### **21. Sky Signs**

21.1 Every illuminated sky sign and its supports and framework shall be constructed entirely of non-combustible materials or polycarbonate, acrylic polymer sheeting or other material approved by the Authorised Officer.

21.2 No sky sign when erected on a building of the height specified in Column 1 of Table II shall exceed the depth given in Column 2 of the said Table. For the purpose of such Table the height of the building shall be measured as the vertical height of the building above the ground at the point where the sign is to be erected.

## **TABLE II**

Column 1	Column 2
Height of building	Maximum depth of sign

Not exceeding 17m 2m

Exceeding 17m but not exceeding 34m 3m

Exceeding 34m but not exceeding 43m 3,5m

Exceeding 43m 4m

21.3 No sky sign on which an electric or illuminated advertisement is displayed shall be placed on or over the roof of any building unless the entire roof construction is of non-combustible material or such sign is in metal boxes with faces of poly-carbonate, acrylic polymer sheeting or any such building.

21.4 No sky sign shall project beyond any existing building line.

21.5 No sky sign shall be affixed to any pitched roof, provided that in the case of a double pitched roof a sign may be positioned above the parallel to the ridge thereof, provided further that a revolving sign in such a position may also be allowed.

21.6 Every sky shall be thoroughly secured and anchored to the building on or over which it is erected. All loads shall be safely distributed to the structural members of the building. All structural members of the sign shall be concealed or integrated with the design of the sign to the satisfaction of the Authorised Officer.

## **22. Under-canopy signs**

22.1 Every illuminated under-canopy sign and its supports and framework shall be constructed entirely of non-combustible materials or polycarbonate, acrylic polymer sheeting or other material approved by the Authorised Officer.

22.2 No suspended under-canopy sign shall exceed 1,8m in length, 600mm in depth and 300mm in thickness with a minimum thickness of 100mm.

22.3 Every under-canopy sign suspended under a canopy or veranda shall be set with its main axis at right angles to the building line and shall be fixed in such a manner that the lowest part of such sign is not less than 2,45m above the footpath or, if there is no footpath , above the street or ground surface.

22.4 The distance between any two under-canopy signs centre-to-centre, shall not be less than 3m, provided that the Authorised Officer may in special circumstances and in his absolute discretion permit a lesser distance.

22.5 No suspended under-canopy sign shall extend beyond the external edge of the canopy or veranda to which it is situated.

22.6 Not more than 50% of the area of any face of an under-canopy sign shall contain advertising matter other than of an exclusively directional nature, provided that when licensed business premises have more than one under canopy shall be deemed to have been complied with if the total area covered by such advertising matter on such premises does not exceed 50% of the sum of the area of all faces of such signs.

### **23. Wall signs and fascia signs**

23.1 Materials. Every illuminated wall sign, other than a sign on a blank wall which has no openings and every illuminated fascia sign, shall be constructed of non-combustible materials except that paints and varnishes may be used and ornamental mouldings, cappings, decorative trim and battens or framing may be constructed of combustible materials, provided that the specie (if any) between the sign and the wall is fire stopped to the satisfaction of the Authorised Officer.

23.2 Projection. No wall sign or any advertisement displayed thereon shall extend beyond the ends of the wall to which it is attached. At any place where pedestrians may pass by a wall, a wall sign attached thereto shall not project more than 100mm therefrom up to a height of 2,5m

measured from the ground level at such place or project more than 224mm above such height and any such sign which is below a height of 2,5m shall be provided with rounded arises.

23.3 Supports. Every wall sign attached to walls of masonry or concrete shall be securely thereto by means of corrosion resistant metal anchors, screws or expansion bolts of at least 6mm diameter, embedded to a depth of at least 100mm. No wooden blocks or anchorage with wood used in connection with screws, staples or nails shall be considered proper anchorage.

23.4 Not more than 50% of the area of any face of a fascia sign shall contain advertising matter other than of an exclusively directional nature, provided that when licensed business premises have more than one fascia sign this restriction shall be deemed to have been compiled with if the total area covered by such advertising matter on such premises does not exceed 50% of the sum of the area of all faces of such signs.

## **24. Aerial advertisements**

No person shall display an aerial advertisement of cause or permit such an advertisement to be displayed:

(a) at a height exceeding 30m from the natural ground level nearest to its anchorage or tethering point;

(b) on or from Municipal property, including a street or public place, and no person shall anchor or tether an aerial device by means of which such an advertisement is or is to be displayed to such property; provided that the Authorised Officer may in his sole discretion permit such display and anchorage or tethering for the duration of an exhibition, show or event during national or civic or other functions, subject to such conditions as he may deem fit to impose; and



(c) on an aerial device unless that device is at all times of display constantly attended by an approved competent person, nor shall any person cause or permit such a device to fly or be tethered unless it is so attended.

## **25. Rental for encroaching signs**

The person to whom permission has been granted in terms of bylaw 4.4(a) or transferred in terms of bylaw 4.4(d) in respect of a sign which extends beyond, into or over the boundaries of any street or any street line (whether under or above any veranda, balcony or canopy or not) shall pay therefore in accordance with the annual rental prescribed in the Municipality tariff of charges.

## **26. Advertising vehicles**

No person shall display an advertisement on an advertising vehicle or cause or allow such advertisement to be displayed so that the advertisement is visible whilst such vehicle is in motion in a street or public place or place the vehicle or cause it to be placed so that it is visible from a street or public place:

(a) unless the vehicle and any sign thereon for the display of such advertisement has been approved for the purpose by the Authorised Officer;

(b) unless the vehicle complies in all respect with the requirements of the National Road Traffic Act, 1996 ( Act 93 of 1996), and the regulations thereunder;

(c) unless the full names, address and telephone number of the owner of the vehicle or, if the owner resides or has his place of business outside of Moses Kotane, of the person having control of the vehicle at the time of such display, are reflected in letters and figures not less than 40mm high

in a conspicuous position approved by the Authorised Officer and are maintained in a legible condition;

(d) unless the prescribed fee has been paid; and

(e) if the advertisement or the sign on which it is displayed exceeds 6,0m in its horizontal dimension or 3,0m in its vertical dimension.

Notwithstanding anything to the contrary contained in bylaw 25, no person shall place an advertising vehicle or cause or allow it to be placed on Municipal property including any demarcated parking bay or cause or allow such vehicle to be parked in a public road; provided that such vehicle may be placed within leased Municipal property subject to compliance with the requirements of these bylaws.

## **27. Presumptions**

For the purposes of these bylaws:

(a) a person who has displayed an advertisement or who has renovated or repaired it or a sign on which an advertisement has been displayed and any person who is entitled to remove it, shall be deemed to display that advertisement while and whenever it is visible from a street or public place;

(b) a person who owns or occupies premises whereon an advertisement which is visible from a street or public place, is being displayed, or wherever a sign has been erected whereon is situated such an advertisement or sign which has been maintained, renovated or repaired, and the manufacturer of any article or the proprietor of any business or undertaking to which such an advertisement relates and any agent of such a manufacturer or proprietor shall, unless the contrary is proved, be deemed to have displayed that advertisement or erected that sign, as the case may be, or otherwise to have caused it to be displayed or to have erected, maintained, renovated, restore or repaired it, as the case may be,

or to have permitted erection, maintained, renovation, restoration or repair;

(c) any place who purposes to exercise any right in connection with premises to which the public has no access as a matter of right, or who is from time to time upon any such premises, shall be deemed to occupy those premises, unless the contrary is proved.

## **28. Offences and Penalties**

Any person who contravenes any provision of these bylaws or who fails to comply with the requirements thereof shall be guilty of an offence and upon conviction shall be liable to the fines determined by a Chief Magistrate of the Magistrate's Court with jurisdiction in the area in which the offence has been committed or imprisonment as determined by a competent court.