

## **OUTDOOR ADVERTISING BY-LAWS**

Be it enacted by the Council of the Mkhambathini Municipality, in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

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## CHAPTER 1

### DEFINITIONS

#### Definitions

1. In this Bylaw, unless the context otherwise indicates-

“advertisement” means any visible representation of a word, name, object or of an abbreviation of a word or name, or of any sign or symbol which is not intended solely for illumination or as a warning against any danger;

"authorised official" means any official of the Council who has been authorised by the Council to administer, implement or enforce the provisions of these bylaws;

“building control officer” means any person appointed or deemed to be appointed as a building control officer by the Council in terms of section 5 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);

“Council” means the council of the Mkhambathini Municipality and its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

"display” means, in relation to an advertisement, to display the advertisement within public view;

“flat sign-board-board” means any sign-board affixed to a wall and which at no point projects more than 230 mm from the surface of the wall;

“ground sign-board” means any sign which is affixed to the ground and is not attached to a building;

“projecting sign-board” means any sign-board affixed to a wall and which at any point projects more than 230 mm from the surface of the wall;

“roof” means any roof of a building but does not include that portion of a roof which is the roof of a verandah or balcony;

“sign-board” means any structure or device used or intended or adapted for the display thereon of an advertisement;

“sky sign-board” means any sign-board affixed to a roof or the top of a parapet of a roof; and

“wall” means any external wall of a building, but does not include a parapet balustrade or railing of a verandah or balcony.

## CHAPTER 2

### APPLICATION

#### Application of regulations

2. (1) Subject to the provisions of sub-section (2), this by-law shall apply to all advertisements displayed or to be displayed within the area of jurisdiction of the Council.
- (2) The following categories of advertisements shall be exempted from the provisions of this by-law:
  - (a) an advertisement, commonly referred to as builders' or contractors' boards, displayed within the boundaries of any erf during the course of building operations including plumbing, electrical wiring, painting and renovations;
  - (b) an advertisement relating to the immediate sale of newspaper within the public road; provided the advertisement does not obstruct vehicle or pedestrian traffic or the lines of sight of drivers or pedestrians;
  - (c) an advertisement required to be displayed by law;
  - (d) an advertisement displayed on any vehicle which is being used on a public road; provided that the main purpose for which that vehicle is being used is not to display such advertisement;
  - (e) an advertisement affixed to or painted on any part of any building other than a dwelling-house which indicates only the following:
    - (i) the name or address of such building;
    - (ii) the name of the occupier or owner thereof;
    - (iii) a general description of the type of business lawfully carried on in such building;
    - (iv) the hours of attendance or business; and

- (v) the telephone number of such business; provided that such advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m<sup>2</sup> in area and does not project more than 100 mm from the surface to which it is affixed;
- (f) an advertisement affixed to or painted on any part of any building used as a dwelling-house which merely indicates -
  - (i) the name or address of the dwelling-house; and
  - (ii) the name of the owner or occupier the dwelling house; provided that such advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m<sup>2</sup> in area and does not project more than 100 mm from the surface to which it is attached;
- (g) an advertisement designed solely for the issuing of any direction, request or warning to any person entering upon an erf or premises on the erf; provided that such advertisement is displayed within the boundaries of the erf and provided that the advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m<sup>2</sup> in area;
- (h) an advertisement advertising the sale or lease of any erf, or the fact that such erf has been sold; provided that such advertisement is displayed within the boundaries of the erf and provided that the advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m<sup>2</sup> in area; and
- (i) an advertisement displayed from the interior of any building enclosed by walls, windows and doors.

### **CHAPTER 3**

#### **TYPES OF ADVERTISEMENTS**

##### **Temporary and portable advertisements**

- 3. (1) Any advertisement -
  - (a) intended to be displayed solely for or in connection with a particular event including but not limited to an election or referendum; or

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- (b) displayed on any sign-board intended or adapted to be carried or conveyed, shall only be displayed with the prior written consent of the authorised official and subject to the requirements of sub-section (2) and any other conditions which the authorised official may impose.
- (2) Any advertisement displayed in terms of subsection (1) shall –
    - (a) not exceed 0,8 m<sup>2</sup> in area; and
    - (b) not be displayed for longer than 14 days before or after the event.
  - (3) Every application for permission in terms of sub-section (1) shall be accompanied by a fee and a deposit prescribed by the Council, the deposit being refundable when all advertisements concerned have been removed to the satisfaction of the authorised official.
  - (4) Any person who, having displayed or caused to be displayed any advertisement in respect of which approval has been given under sub-section (1), fails to remove it or cause it to be removed within the relevant time, shall be guilty of an offence and the authorised official shall be entitled to remove any such advertisement and deduct from any deposit made in terms of sub-section (6) the sum of R50.00 in respect of each and every advertisement so removed; provided that any excess shall be a civil debt due to the Council; provided further that when any advertisement is so removed in terms of these regulations the Council shall be entitled to destroy any such advertisement without giving notice to anyone, after a period of 14 days from the date of such removal.
  - (5) Any person who displays or causes, permits or suffers to be displayed any advertisement referred to in sub-section (1) shall be presumed to be the displayer until it is proved to the contrary.

#### **Display of permanent advertisements prohibited**

- 4. No person shall display or cause to be displayed any permanent advertisement, in the area of jurisdiction of the Council unless any such advertisement was approved in writing by the Council and is displayed in accordance with this by-law.

#### **Application for display of permanent advertisements**

- 5. (1) Any person intending to erect, alter or display any permanent advertisement for which the prior written permission of the Council is required, shall apply for such permission to the Council on the prescribed application form attached to this By-law as Schedule 2. Such form shall be signed by the applicant and by the owner

(if he or she is not also the applicant) of the site upon which such advertisement is or is to be located.

- (2) An application referred to in sub-section (1) shall be accompanied by -
- (a) a full specification showing the dimensions of such sign, its location or proposed location on a building or other supporting structure, the materials of construction, the name and address of the manufacturer, and where applicable, the number of electric lights and electrical details in regard thereto;
  - (b) a drawing indicating –
    - (i) the position of such sign on the site at a scale of not less than 1: 50;
    - (ii) the full text of the advertisement;
    - (iii) the colour of the material;
    - (iv) the construction;
    - (v) the overall dimensions;
    - (vi) the method of attachment, suspension or support; and
    - (vii) any other details required by the Council;
  - (c) in the case of ground signs, information in regard to all calculations upon which such size is based;
  - (d) the prescribed application fee R30.00.
- (3) The Council may refuse or grant such application subject to such conditions as it may think proper.

### **Consideration of application of display of permanent advertisements**

6. (1) The Council may grant, on such conditions as it may determine, or refuse an application referred to in section 5, but the Council shall not grant an application if it is of the opinion that, having regard to –
- (a) the design;

- (b) colour;
- (c) other characteristics of the advertisement in question;
- (d) its proposed position in relation to the building or premises upon or in which it is to be displayed; and
- (e) the neighbouring properties,

such advertisement will detract from or disfigure the appearance of the building or premises concerned or neighbouring properties, or otherwise be unsightly.

### **Sign-boards affixed to buildings**

- 7. (1) The following sign-boards and no others may, subject to the provisions of this by-law, be affixed to buildings:
  - (a) flat sign-board-boards;
  - (b) projecting sign-boards, and
  - (c) sky sign-boards
- (2) No flat sign-board-board shall -
  - (a) extend above the top or beyond either side of the wall to which it is affixed;
  - (b) project in any part more than 100 mm from the wall to which it is affixed;
  - (c) exceed 15% of the height of the building to the eaves or 15% of the area of the wall to which it is affixed.
- (3) No projecting sign-board shall -
  - (a) be affixed otherwise than at right angles to the road line;
  - (b) be affixed at a clear height of less than 2,5 m;
  - (c) exceed 225 mm in thickness;
  - (d) extend beyond the top of the wall to which it is affixed;

- (e) project in any part more than 1,5 m from the wall to which it is affixed;
- (f) extend over or nearer than 1,2 m to any overhead electricity wires or cables; or
- (g) be affixed otherwise than in a vertical plane.

### **Advertisement painted on buildings**

8. (1) Only the following types of advertisements may be painted on buildings:
- (a) advertisements painted on the walls of buildings; and
  - (b) advertisements painted on the roofs of buildings used in connection with industry or a manufacturing process.
- (2) No advertisement painted on a wall of a building shall exceed 15% of the height of the building from the ground to the eaves or 15% of the area of the wall on which it is painted.
- (3) An advertisement painted on the roof of a building shall contain only the name (or an abbreviation thereof) of the person, firm, company, society or association occupying such building.

### **Ground sign-boards**

9. Every ground sign-board shall -
- (1) be supported by poles or standards or pylons the bases of which are firmly embedded and fixed in the ground and which are entirely self-supporting, rigid and inflexible;
  - (2) not exceed 2 m x 0,3 m (300 mm);
  - (3) not extend or project beyond the road line; and
  - (4) not exceed 6,5m in height.

### **Flashing advertisements**

10. The Council shall only approve flashing illuminated advertisements if it is of the opinion that, having regard to the proposed position and characteristic of the advertisement, the display of the advertisement will not be likely to distract or disturb persons using



any public road or to create the conditions contemplated in section 11(2).

### **General prohibitions relating to advertisements**

11. (1) No person shall display any advertisement so as to obstruct any fire escape or the means of egress to a fire escape or to obstruct or interfere with any window or opening required for ventilation purposes.
- (2) No person shall display any advertisement –
- (a) in a position which obscures, obstructs or otherwise interferes with any road traffic sign or is likely to so obscure, obstruct or otherwise interfere;
  - (b) which is illuminated and contains the colours, red, green or amber or any one or more of such colours, unless such sign has a clear height of 6 m or unless such sign is more than 15 m (measured horizontally) from the vertical line of the road line at the corner of a public road; or
  - (c) which is of such intense illumination so as to disturb the residents or occupants of adjacent or nearby residential buildings.
12. (a) Directional signs may not be erected on road reserves other than on directional signboard frames erected by the Council, and on payment of the prescribed fee. Such directional signs shall be either 2m long and 0,3 (300 mm) high or 1 m long and 0,3m (300 mm) high and be constructed to the satisfaction of the Council.
- (b) A directional signboard frame shall not exceed 4m in height from ground level save with the express approval of the Council in writing.

### **Construction of sign-boards**

13. (1) Every sign-board shall be neatly and properly constructed and finished in a workmanlike manner to the satisfaction of the building control officer.
- (2) (a) Every sign-board attached to a building or wall shall be rigidly and securely attached thereto so that it is safe and that movement in any direction is prevented.
- (c) The method of attachment shall be such that it is capable of effectively securing, supporting and maintaining not less than twice the mass of the sign-board in question with the addition of any force to which the sign may be subjected.

- (c) The use of nails or staples for the purpose of the anchorage and support of a sign-board is prohibited.
- (3) Every projecting sign-board shall, unless the building control officer otherwise approves, have not less than four supports –
- (a) which shall be of metal;
  - (b) any two of which shall be capable of supporting the mass of the sign-board;
  - (c) the designed strength of which acting together shall be calculated on a mass equal to twice the mass of the sign-board with a superimposed horizontal wind pressure of 1,5 kPa; and
  - (d) which shall be neatly constructed as an integral part of the design of the sign-board or otherwise concealed from view.
- (4) (a) All sign-boards which are attached to brickwork, masonry or concrete shall be securely and effectively attached thereto by means of bolts securely embedded in such brickwork, masonry or concrete or passing through the same and secured on the opposite side.
- (b) Such bolts shall be of such a size and strength as will ensure effective compliance with sub-section (2) or (3).
- (5) Every illuminated sign-board and every sign-board in which electricity is used shall -
- (a) be constructed of a material which is not combustible;
  - (b) be provided with an external switch in an accessible position approved by the building control officer whereby the electricity supply to such sign-board may be switched off; and
  - (c) be wired and constructed to the satisfaction of the building control officer.
- (5) All exposed metalwork of a sign-board shall be painted or otherwise treated to prevent rust, decay and insect attack and thereafter painted.

#### **Maintenance of permanent advertisements**

14. The person having possession or control of any permanent advertisement shall, while such advertisement is displayed, at all times maintain such advertisement, including any sign-board on which it is displayed, in good repair and safe condition.

#### **Alterations of and additions to permanent advertisements**

15. (1) Any person wishing to alter or add to any permanent advertisement, including any sign-board on which it is displayed, shall first apply to the Council in writing for its approval.
- (2) An application referred to in sub-section (1) shall specify the nature and extent of the proposed alteration or addition.
- (3) A person who has applied in terms of sub-section (2) for the Council's approval shall furnish such additional particulars in connection with his application as the Council may require.

#### **Removal of permanent advertisements**

16. (1) When there is a displayed permanent advertisement -
- (a) for which no approval was granted under section 4; or
- (b) which is displayed in contravention of this by-law,
- the Council may, by notice in writing, direct the person having possession or control of the advertisement to remove it or to effect such alterations as may be prescribed in the notice, and to effect such removal or alteration within such period (which shall be not less than fourteen days as from the date on which the notice was given) as may be specified in the notice.
- (2) If a person to whom a notice has been given in terms of subsection (1) fails to comply with a direction contained in that notice within the period therein specified, the Council may, at any time after the expiration of that period, through the agency of any person authorised thereto by the Council, enter upon the land upon which the advertisement to which the notice relates and remove the advertisement or effect the alterations prescribed in the notice.
- (3) The Council may recover the expenses which it incurred by any action taken under subsection (2) from any person to whom the notice in question was given.

#### **Delegation of Council's powers**

- 17 (1) The Council may by resolution delegate to the building control officer any power

conferred upon it by this by-law on such conditions as the Council may determine.

- (2) Any delegation under sub-section (1) shall not prevent the exercise of the relevant power by the Council itself.

## **CHAPTER 4 GENERAL PROVISIONS**

### **Offences**

18. Any person who contravenes any provision of this by-law shall be guilty of an offence and shall be liable on conviction to a fine not exceeding to be determined by the Council from time to time.

### **Repeal of existing by-laws**

19. The Council's existing Outdoor Advertising by-laws are hereby repealed.

### **Short title and commencement**

20. These by-laws shall be called the Outdoor Advertising by-law, and shall come into operation on the date of publication in the KwaZulu Natal Provincial Gazette.